

Washington, Saturday, November 14, 1959

Title 5—ADMINISTRATIVE **PERSONNEL**

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.420]

PART 325-ADDITIONAL COMPEN-SATION IN FOREIGN AREAS

Designation of Differential Posts

Section 325.15, Designation of differentiat posts, is amended as follows, effective on the dates indicated:

1. Effective as of April 1, 1958, paragraph (a) is amended by the deletion of the following:

Mogadiscio, Trust Territory of Somaliland.

2. Effective as of the beginning of the first pay period following November 14, 1959, paragraph (a) is amended by the deletion of the following:

Brazil, all posts in states and territories of Acre, Amapa, Amazonas, Goias, Guapore, Maranhao, Mato Grosso, Para, Piaui, and Rio Branco.

Nangal, India.

Taichung, Taiwan, China.

Tarai, India.

3. Effective as of the beginning of the first pay period following November 14, 1959, paragraph (b) is amended by the deletion of the following:

Conakry, Guinea.

Fernando de Noronha, Brazil,

India, all posts except Anand, Banaras, Bangalore, Bhopal, Bikaner, Bombay, Chandigarh, Gwalior, Hyderabad, Izatnagar-Bareilly, Karnal, Lucknow, Ludhiana, Madras, Nagarjunasagar Dam, Nagpur, Nangal, New Delhi, Pipri, Poona, Rajkot, Sehore, Sindri, Tarai, Trivandrum, Udaipur and Vellore.

Iran, all posts except Behshahr, Dezful, Firuzkuh, Isfahan, Kerman, Khaneh, Manjil, Rezaiyeh, Sanandaj, Sari, Shahabad, Shiraz

4. Effective as of the beginning of the first pay period following November 14. 1959, paragraph (c) is amended by the deletion of the following:

Brazil, all posts in states and territories other than those named under Brazil above except Belo Horizonte, Curitiba, Fernando de Noronha, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, Sao Paulo and Taubate.

5. Effective as of the beginning of the first pay period following November 14, 1959, paragraph (d) is amended by the deletion of the following:

Tauhate, Brazil.

6. Effective as of April 1, 1958, paragraph (a) is amended by the addition of the following:

Somaliland, Trust Territory of, all posts.

7. Effective as of the beginning of the first pay period following November 14, 1959, paragraph (a) is amended by the addition of the following:

Brazil, all posts in states and territories of Acre, Amapa, Amazonas, Goias (except Goiania), Guapore, Maranhao, Mato Grosso, Para, Piaui, and Rio Branco.

Conakry, Guinea. Nangal (Ganguwal), India. Tarai (Phoolbagh), India.

Zirab, Iran.

8. Effective as of the beginning of the first pay period following November 14, 1959, paragraph (b) is amended by the addition of the following:

India, all posts except Anand, Banaras, Bangalore, Bhopal, Bikaner, Bombay, Chandigarh, Gwalior, Hyderabad, Izatnagar-Bareilly, Karnal, Lucknow, Ludhiana, Madras, Nagarjunasagar Dam, Nagpur, Nangal (Ganguwal), New Delhi, Pipri, Poona, Rajkot, Sehore, Sindri, Tarai (Phoolbagh), Trivandrum, Udaipur and . Vellore.

Iran, all posts except Behshahr, Dezful, Firuzkuh, Isfahan, Kerman, Khaneh, Manjil, Rezaiveh, Sanandaj, Sari, Shahabad, Shiraz, Tehran and Zirab.

Taichung, Taiwan, China.

9. Effective as of the beginning of the first pay period following July 25, 1959, paragraph (c) is amended by the addition of the following:

Grenada, T.W.L.

10. Effective as of the beginning of the first pay period following November 14,

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SEMIANNUAL CFR SUPPLEMENT

(As of July 1, 1959)

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than those named above except Belo Horizonte, Curitiba, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, Sao Paulo and Vicosa.

11. Effective as of the beginning of the first pay period following April 4, 1959, paragraph (d) is amended by the addition of the following:

Tananarive, Malgache Republic.

12. Effective as of the beginning of the first pay period following November 14, 1959, paragraph (d) is amended by the addition of the following:

Goiania, Brazil. Vicosa, Brazil.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O. 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

For the Secretary of State.

LOY W. HENDERSON, Deputy Under Secretary for Administration.

OCTOBER 30, 1959.

[F.R. Doc. 59-9655; Filed, Nov. 13, 1959; 8:46 a.m.]

Title 6—AGRICULTURAL

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B-FARM OWNERSHIP LOANS [FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

Average Values of Farms; Colorado

On October 22, 1959, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units for Conejos County was determined to be \$50,000. The average value heretofore established for said county, which appears in the tabulations of average values for Colorado under § 331.17, Chapter III, Title 6, Code of Federal Regulations, is hereby superseded by the average value set forth herein for said county.

(Sec. 41, 50 Stat. 528, as amended; 7 U.S.C. 1015; Order of Acting Sec. of Agric. 19 F.R. 74, 22 F.R. 8188)

Dated: November 9, 1959.

H. C. SMITH, Acting Administrator, Farmers Home Administration.

[F.R. Doc. 59-9677; Filed, Nov. 13, 1959; 8:49 a.m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

PART 464—TOBACCO

Subpart—1959 Tobacco Loan Program

Set forth below are schedules of advance rates, by grades, for the 1959 crop of types 21, 22, 23, 31, 35, 36, and 37 tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published July 26, 1958 (23 F.R. 5645).

464.1131 1959 crop; Virginia Fire-cured Tobacco, 21, Туре advance schedule. 464.1132 1959 crop; Kentucky-Tennessee Fire-cured Tobacco, Types 22 and 23, advance schedule. 464.1133 1959 crop; Burley Tobacco, Type 31, advance schedule. 464.1134 1959 crop; Dark Air-cured Tobacco,

Sec.

464.1135 1959 crop; Virginia Sun-cured Tobacco, Type 37, advance schedule.

ule.

Types 35 and 36, advance sched-

AUTHORITY: §§ 464.1131 to 464.1135 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 403, 63 Stat. 1051, as amended, 1054; sec. 2, 59 Stat. 506; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421, 1312 note; sec. 125, 70 Stat. 198, 7 U.S.C. 1813.

4.1131 1959 crop; Virginia Fire-cured Tobacco, Type 21, advance § 464.1131 schedule.1

[Dollars per hundred pounds, farm sales weight]

Grade	Length	Length	Length	Length
	46	45	41	43
A1F A2F A1D A1D B1F B2F B3F B4F B5F B1D B3D B4D B3D B4D B5D B3D B4D B5D B5D B3M B4M B5M B5M C1L C2L C3L C4L C5L C5L C5L C5F C2F C4F C5F				
C3D	29, 12	30, 12	29, 12	
C4D	28, 12	29, 12	28, 12	
C5D	24, 12	25, 12	24, 12	
C3M	31, 12	32, 12	31, 12	
C4M	29, 12	30, 12	29, 12	
C5M	27, 12	28, 12	27, 12	
C3K	38, 12	39, 12	38, 12	
C3K	34, 12	35, 12	34, 12	
C5K	30. 12	31. 12	30, 12	
C3G	30. 12	31. 12	30, 12	
C4G	27. 12	28, 12	27, 12	
C5G	23. 12	24, 12	23, 12	

Grade		Grade		Grade	
X1L X2L X3L X4L X5L X1F X2F X3F X4F X5F	38. 12 35. 12 32. 12 31. 12 26. 12 39. 12 36. 12 34. 12 26. 12	X1D X2D X3D X4D X5D X3M X3M X4M X4M X4M X6M	39, 12 36, 12 34, 12 31, 12 26, 12 30, 12 28, 12 28, 12 26, 12 24, 12	X5M 45 X3G 45 X4G 45 X5G 45 X5G 45 N1L N1D •N1G	22. 12 30. 12 28. 12 27. 12 25. 12 22. 12 20. 12 18. 12 18. 12

¹The Cooperative Association which price support is made available for Virginia fire-cured, type 21, Burley, type 31, and Virginia sun-cured, type 37, are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against overhead costs. Only the original producer is eligible to receive advances.
Tobacco graded "U" (unsound). "Dam" Tobacco graded "U" (unsound), "Dam" (damaged), "No-G" (no grade), N2, N2L, N2R, N2D, N2G, N-K, botched, nested, off-type, or decayed will not be accepted. Tobacco of types 22, 23, 35, and 36 graded "W" (doubtful knowledge), will be accepted of (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable. Tobacco of

§ 464.1132 1959 crop; Kentucky-Tennessee Fire-cured Tobacco, Types 22 and 23, advance schedule.1

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
AIF	64	64	
A2F	60	50	53
A3F	49	50	47
A1D	64 !	64	
A2D	60	60	53
A3D	49	50	47
BIF	53	54	50
B2F	- 50	51	48
B3F	44	46	44
D41	41	43	41
B5F B3FV	3.3	35	33
B3FV	42	44	41
B4FV	38	40	38
B5FV	31	33	31
BID	53	54	Šô.
B2D	50	žî.	48
B3D	47	49	47
B4D	42	44	42
B5D	32	34	31
B3M	42	44	41
B4M	37	39	36
B5M	28	30	26
B3G	43	45	43
B4G	38	40	37
B5G	26	28	24
CIL	52	53	50
C2L	48	49	47
C3L	46		44
CAT	41	47 42	40
C4L	34		
C5L		35	34
C1F C2F	52	53	50
	48	49	47
	44	46	44
	40	42	40
C5F C3FV	34	35	34
CSFV	40	42	39
C4FV	35	37	35
C5FV	30	32	30
C2D	44	46	43
C3D	39	41	30
C4D	33	35	32
C5D	26	28	26
C3M	40	41	38
C4M	33	34	32
C5M	28	29	26
C3G	36	37	33
C4G	30	32	27
C5G	20	22	19
	<u> </u>	<u> </u>	<u> </u>

Grade		Grade		Grade	
T3F	38 33 27 38 32 23 35 26 20 33 25 17 44	X2L X3L X4L X5L X1F X2F X2F X2F X4F X6F X3FV X4FV X4FV X6FV X1D	41 39 33 27 43 40 38 32 27 33 28 21 42	X2D X3D X1D X5D X5D X3M X4M X3G X5G X1G X1G X1G X1G X1G X1G	39 33 26 18 31 24 18 27 19 14 16 14

types 21, 31, and 37 graded "W" (doubtful keeping order) will not be accepted. Types 22 and 23 grades marked with the special factor "OS", and type 35 grades marked with the special factor "BL" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Types 22, 23, 35, and 36 grades marked with the special factor "BH" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Types 21, 22, and 28 grades of 47 length, except grades A1F, A1D, A2F, and A2D, and types 35 and 36 grades of 47 length, except grades A1F, A1R, A2F, and A2R, shall have an advance rate 10 percent below the advance rate otherwise applicable for 46 length of each grade.

§ 464.1133 1959 crop; Burley Tobacco, Type 31, advance schedule.

[Dollars per hundred pounds, farm sales weight]

(Donars per nundred pounds, farm sales weight)					
Grade	Ad- vance rate	Grade	Ad- vance rate	Grade	Ad- vance rate
B1F	67, 12 65, 12 63, 12 61, 12 57, 12 55, 12 55, 12 55, 12 55, 12 55, 12 55, 12 55, 12 55, 12 49, 12 55, 12 49, 12 40, 12 55, 12 55	M4F M5F M3R M5F M3R M4R M5F T4F T5F T7F T5F T7F T7F T7F T7F T7F T7F T7F T7F T7F T7	51, 12 48, 12 45, 12 35, 12 55, 12 55, 12 56, 12 44, 12 46, 12 46, 12 46, 12 42, 12 33, 12 33, 12 33, 12 33, 12 33, 12 36, 12 36, 12 37, 12 37, 12 69, 12 66, 12	C3V C4V C5V C3K C4K C3R C4R C5R C4R C5M C4G C4G C5G X1L X2L X2L X3L X3L X4L X5E X3F X4F X3F X4F X3F X4F X3R X4F X5R X4R X5M X5M X5M X5M X1L X5H X1L X1L X1L X1L X1L X1L X1L X1L	66, 12 67, 12 60, 12 58, 12 58, 12 52, 12 62, 12 60, 12 55, 12 55, 12 55, 12 55, 12 70, 12 66, 12 66, 12 66, 12 66, 12 66, 12 66, 12 66, 12 66, 12 67, 12 68, 12 69, 12 69, 12 60, 12 61, 12 61, 12 62, 12 63, 12 64, 12 65, 12 66, 12 67, 12 68, 12 68, 12 68, 12 69, 12 69, 12 69, 12 61, 12 61, 12 62, 12 63, 12 64, 12 65, 12 66, 12 67, 12 68, 12
		<u> </u>		<u> </u>	

§ 464.1134 1959 crop; Dark Air-cured Tobacco, Types 35 and 36, advance schedule.¹

[Dollars per hundred pounds, farm sales weight]

Grade	Length 45	Length 45	Length 44
A1F	52	52	
A2F	48	48	45
A3F	43	44	42
A1R	52	52	
A2R	48 43 48	48	45
A3R	. 43	44	42
B1F	48 44	49	47
B2F B3F	42	45 43	45 42 47 43 41 39 35 47 43 40 40 43 44 43 40 40 43 40 38
B4F B5F B3FV	40	41	41
B5F	36	37	35
B3FV	40	- 41	30
DAL A	39	40	38
D5FV	36	37	35
BIR	48	49	47
B2R	44	45	43
B3R	41	42	40
B4R	39	40	38
B5R	- 36	37	35
B1D	48	49	47
B2D	- 44	45	43
B3D	41	42	40
B4D B5D	40	41	39
B37t	35 40	, 36 41	34
B3M B4M	37	38	34 -39 36
B5M	32	33	30
B3G	39	40	31 38
B4G	37	38	36
B5G	31	38 32	30
CIL	45	46	44 43 42
1721.	44 43	45	43
C3b	43	44	42
C4L	40 33	41	39 32
C5L C1F	33	34*	32
CIF	45	46	44
C2F C3F	44	45	44 43
C3F	43	44	42
C4F C5F	40 33	41	39
C3FV	33	34	32
C4FV	40 38	41	39
Č5FV.	90	. 39	37
ČÍR	32	44	- 30 42
Č2R	31 43 42	. 43	42 41
C3R	40 I	41	39.
C4R	37	38	36
C5R	37 30	31	29
C3M	40 l	41	39
C4M	35	36	34
C5M.	28	29 i	27
C4G	36	37	35
C5G	27	28	26

¹ See footnote on preceding page.

Grade		Grade		Gråde	
T3F T4F T5F T3R T4R T5R T5R T5D T4D T5D T3M T4D T5M T4M T5M T3G T4G T5G	37 33 25 37 33 25 37 33 25 36 31 24 36 31	X1L X2L X3L X4L X5L X1F X2F X3F X4F X4F X4F X5F X5F X5F X5F X5F X3FV X4F X4FV X5FV X4F X4F X4F X4F X4F X4F X4F X4F	41 39 37 33 31 41 39 37 34 30 34 31 26 41 38	X3R X4R X5R X3D X5D X5D X3M X4M X5M X5M X5M X1G X1G X1G X1G X1G X1G X1G X1G	36 30 27 36 30 23 33 28 24 33 24 21 23 21

§ 464.1135 1959 crop; Virginia Suncured Tobacco, Type 37, advance schedule.

[Dollars per hundred pounds, farm sales weight]

Grade	Length 45	Length 44	Grade	Length 45	Length 44
A1F	57. 12 54. 12 51. 12 55. 12 55. 12 55. 12 55. 12 55. 12 40. 12 36. 12 41. 12 36. 12 41. 12 36. 12 41. 12 36. 12 36. 12 37. 12 48. 12 38. 12 39. 12 39. 12 39. 12 38. 12 39. 12	51, 12 48, 12 52, 12 49, 12 49, 12 49, 12 48, 12 35, 12 35, 12 40, 12 40, 12 41, 12 32, 12 33, 12 33, 12 33, 12 33, 12 33, 12 33, 12	B3G B4G B5G C1L C2L C3L C5L C5L C5F C2F C2F C4F C5F C4F C5R C3R C4R C5R C5R C4R C5R C5R C5R C5R C5R C5R C5R C5R C5R C5	39, 12 34, 12 54, 12 45, 12 45, 12 33, 12 54, 12 45, 12 45	38. 12 37. 12 33. 12 49. 12 42. 12 37. 12 32. 12 44. 12 44. 12 44. 12 44. 12 44. 12 40. 12 36. 12 33. 12 24. 12 29. 12 29. 12
					<u></u>

Grade		Grade		Grade	
T3F T4F T5F T3R T4R T5R T3D T4D T4D T5D T3M T4M T5M T4M	39, 12 37, 12 31, 12 39, 12 37, 12 37, 12 37, 12 35, 12 29, 12 36, 12 34, 12 28, 12 34, 12	T5G	28. 12 38. 12 35. 12 32. 12 31. 12 25. 12 39. 12 36. 12 31. 12 24. 12 39. 12 36. 12 39. 12	X4R X5R X3D X4D X5D X5D X5D X5M X5M X5M X5M X5G X1G X5G X1G X1G X1G X1G X1G X1G X1G X1G X1G X1	31. 12 24. 12 32. 12 30. 12 23. 12 23. 12 23. 12 23. 12 27. 12 27. 12 16. 12 16. 12

Issued this 6th day of November 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-9676; Filed, Nov. 13, 1959; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 169, Amdt. 1]

PART 914 — NAVEL OR ANGES
GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel

oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give prelimmary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient. and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) of § 914.469 (Navel Orange Regulation 169, 24 F.R. 9079) are hereby amended to read as follows:

(i) District 1: 600,000 cartons. (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 10, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[F.R. Doc. 59-9675; Filed, Nov. 13, 1959; 8:49 a.m.]

[Navel Orange Reg. 170]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.470 Navel Orange Regulation 170.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the

public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the Federal Register (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 12, 1959.

(b) Order. (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., November 15, 1959, and ending at 12:01 a.m., P.s.t., November 22, 1959, are hereby fixed

as follows:

(i) District 1: 500,000 cartons;

(ii) District 2: Unlimited movement;(iii) District 3: Unlimited movement;

(iv) District 4: 60.000 cartons.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled,"
"District 1," "District 2," "District 3,"
"District 4," and "carton" have the
same meaning as when used in said
amended marketing agreement and

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 13, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[F.R. Doc. 59-9729; Filed, Nov. 13, 1959; 11:37 a.m.]

[Orange Reg. 364]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.985 Orange Regulation 364.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the bases of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 10, 1959, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) Order. (1) Terms used in the amended marketing agreement and order

shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title: 22 F.R. 6676).

(2) During the period beginning at 12:01 a.m., e.s.t., November 16, 1959, and ending at 12:01 a.m., e.s.t., November 30, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 1

Bronze;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2% inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title): Provided, That in determining the percentage of oranges in any lot which are smaller than 21/16 inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 211/16 inches in diameter or smaller;

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2% inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 12, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[FR. Doc. 59-9709; Filed, Nov. 13, 1959; 8:56 a.m.]

[Grapefruit Reg. 316]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.986 Grapefruit Regulation 316.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges.

grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure; and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REG-ISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 10, 1959, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be com-

pleted by the effective time hereof. (b) Order. (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750-51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 22, 1955 (Chapter 29760).

(2) During the period beginning at 12:01 a.m., e.s.t., November 16, 1959, and ending at 12:01 a.m., e.s.t., November 30, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any seeded grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No. 1 Bronze:

(ii) Any seeded grapefruit, grown in the production area, which are smaller than 3½6 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit;

(iii) Any seedless grapefruit, grown in the production area, which are not mature and do not grade at least U.S. No: 1: Provided, That such grapefruit may have discoloration to the extent permitted under the U.S. No. 2 Russet grade, and may have slightly rough texture caused only by speck type melanose: or

(iv) Any seedless grapefruit, grown in the production area, which are smaller than 3%6 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 12, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[F.R. Doc. 59-9707; Filed, Nov. 13, 1959; 8:56 a.m.]

[Tangerine Reg. 211]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS, GROWN IN FLORIDA

Limitation of Shipments

§ 933.987 Tangerine Regulation 211.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the

committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time: and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 10, 1959. such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines: it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) Order. (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(2) During the period beginning at 12:01 a.m., e.s.t., November 16, 1959, and ending at 12:01 a.m., e.s.t., November 30, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2}$ x $9\frac{1}{2}$ x $19\frac{1}{6}$ inches; capacity 1,726 cubic inches).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 12, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[F.R. Doc. 59-9710; Filed, Nov. 13, 1959; 8:56 a.m.]

[Tangelo Reg. 17]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, A N D TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.988 Tangelo Regulation 17.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 10, 1959, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this

meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) Order. (1) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box as used in this section, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.—1140 to 51.1186 of this title; 22 F.R. 6676).

(2) During the period beginning at 12:01 a.m., e.s.t., November 16, 1959, and ending at 12:01 a.m., e.s.t., November 30, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1 Bronze; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than 2\(\frac{7}{16}\) inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (\square\$\square\$51.1140 to 51.1186 of this title).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 12, 1959.

S. R. SMITH, Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-9711; Filed, Nov. 13, 1959; 8:56 a.m.]

[Lemon Reg. 819]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.926 Lemon Regulation 819.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047),

and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the Federal Register (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 10, 1959.

(b) Order. (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., November 15, 1959, and ending at 12:01 a.m., P.s.t., November 22, 1959, are hereby fixed as follows:

(i) District 1: 23,250 cartons;

(ii) District 2: 120,900 cartons;(iii) District 3: 41,850 cartons.

(2) As used in this section, "handled,"
"District 1," "District 2," "District 3,"
and "carton" have the same meaning as
when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 12, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[F.R. Doc. 59-9708; Filed, Nov. 13, 1959; 8:56 a.m.]

[Avocado Order 18, Amdt. 6]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter set forth. A reasonable determination as to the time of maturity of avacados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until November 10, 1959; a determination as to the time of maturity of the varieties of avocados covered by this amendment was made at the meeting of said committee on November 10, 1959, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were af-forded an opportunity to submit their views at this meeting; the provisions of this regulation are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

It is, therefore, ordered, That the provisions of paragraph (b) of § 969.318 (24 F.R. 4050, 4827, 5824, 6904, 7354, 8443) are hereby further amended as follows:

Add to Table I in subparagraph (1) the following:

Variety (1)	Date	Minimum weight or diameter (3)	Date
Linda	11-23-59 11-23-59 11-23-59 12-14-59 1-25-60 2-22-60	(Ounces) 18 16 14 12	12-14-59 12-14-59 12-14-59 1-4-60

Effective time. The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., November 16, 1959. (Secs. 1-19, 48 Stat. 31, as amended: 7 U.S.C. 601-674)

Dated: November 12, 1959.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[F.R. Doc. 59-9706; Filed, Nov. 13, 1959; 8:56 a.m.]

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Grade and Size Regulations for Unshelled Walnuts

Correction

In F.R. Doc. 59-8951, appearing at page 8603 in the issue of Friday, October 23, 1959, the number of the new section appearing therein should read "§ 984.443".

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS
[Reg. Docket No. 105; Amdt. 29]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

Airborne Weather Radar Equipment

Proposed § 514.68, establishing minimum performance standards for airborne weather radar equipment for use on civil aircraft of the United States engaged in air carrier operations, was published in 24 F.R. 7165.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments from industry indicate that the vibration requirements specified for indicators used with the equipment are too severe. Reevaluation by FAA confirmed this. Consequently, an exception to the performance standards covering vibration requirements for indicators is incorporated in the adopted rule.

Since the exception provides a relaxation in the proposed rules, republication for further comment is not necessary. In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 514 of the regulations of the Administrator (14 CFR 514) is hereby amended as follows:

Section 514.68 is added as follows:

§ 514.68 Airborne weather radar equipment (for air carrier aircraft)— TSO-C63.

-(a) Applicability—(1) Minimum per-formance standards. Minimum performance standards are hereby established for airborne weather radar equipment which is to be used on civil aircraft of the United States engaged in air carrier operations. New models of airborne weather radar equipment manufactured for use on civil air carrier aircraft on or after December 1, 1959, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards—Airborne Weather and Ground Mapping Radar Operating Within the Radio Frequency Bands of 5250 to 5440 Mc and 9300 to 9500 Mc." Paper 148-59/DO-96 dated August 11, 1959. Radio Technical Commission for Aeronautics' Paper 100-54/DO-60 1 which is incorporated by reference in and thus is a part of Paper 148-59/DO-96 has been amended by Paper 256-58/EC-366 dated November 13, 1958. This amendment is also a part of the minimum performance standards. An exception to these standards is covered in subparagraph (2) of this paragraph.2

(2) Exception. (i) Radio Technical Commission for Aeronautics' Paper 100-54/DO-60, and amendment Paper 256-58/EC-366 dated November 13, 1958, outline environmental test procedures for equipment designed to operate under three environmental test conditions as specified therein under Procedures A, B, and C. Only airborne weather radar equipment which meets the operating requirements as outlined under Procedure A or Procedure B of Paper 100-54/DO-60, as amended, is eligible under this section.

(ii) The vibration values specified below may be used for indicators designed exclusively for installation in the cockpit area of aircraft in lieu of those specified in Paper 148-59/DO-96.

Amplitude: 0.015" (0.03" total excursion). Frequency: Variable 10-55 cps. Maximum Acceleration: 3.0 g.

(b) Marking. In addition to the information required in § 514.3, equipment which has been designed to operate over the environmental conditions as outlined in Procedure A of RTCA Paper 100-54/

¹Copies of these papers may be obtained from the RTCA Secretariat, Room 1072, T-5 Building, 16th and Constitution Avenue NW., Washington 25, D.C. Paper 148-59/DO-96, 50 cents per copy; Paper 100-54/DO-60, 20 cents per copy;

20 cents per copy.

² In addition to the performance standards herein, airborne weather radar when installed in aircraft must meet installation requirements as well as functional and reliability flight tests of the pertinent airworthiness sections of the Civil Air Regulations.

DO-60, as amended, shall be marked as Equipment Category A equipment. which has been designed to operate over the environmental conditions outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) Data requirements. One copy each of the manufacturer's operating instructions, schematic diagrams, and installation procedures shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance.

(d) Previously approved equipment. Airborne weather radar equipment approved prior to the effective date of this section, may continue to be manufactured under the provisions of its original approval.

Effective date. December 1, 1959.

(Secs. 313(a), 601; 72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on November 9, 1959.

> B. PUTNAM, Acting Director, Bureau of Flight Standards.

[F.R. Doc. 59-9650; Filed, Nov. 13, 1959; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I-Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C-DRUGS

PART 141a-PENICILLIN AND PENI-CILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 145—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTI-BIOTIC AND ANTIBIOTIC-CON-TAINING DRUGS

PART 146a—CERTIFICATION OF PEN-ICILLIN AND PENICILLIN-CONTAIN-ING DRUGS

Potassium Penicillin 152 (Salt, Tablets, Oral Solution)

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (Part 141a, 21 CFR, 1958 Supp., 146.1 (24 F.R. 7400), 7617, Part 146a) are amended as follows:

1. Part 141a is amended by adding the following new sections:

§ 141a.100 Potassium penicillin 152 (potassium a-phenoxyethyl penicillin).

(a) Total potency. Proceed as directed in § 141a.5(d)(1) except deter-No. 223-

mine the factor F as the number of milligram of the L-a-phenoxyethyl, penmilliliters of 0.01 N I2 absorbed by 1.0 icillin potassium working standard.

Difference in titers × potency of FDA L-a-phenoxyethyl, peni-Units of potassium penicillin potassium working standard in units per milligram Milligrams in 2.0 ml. tested $\times F$ cillin 152 per milligram

(b) L-α-Phenoxyethyl, penicillin potassium content—(1) Microbiological activity of sample. (i) Proceed as directed in $\S 141.b.126(a)$ (1) (ii) (a), (b), (c), and (f), of this chapter, except use 0.1 milliliter to 0.2 milliliter of the adjusted bulk suspension to 100 milliliters of agar for the inoculum.

(ii) Working standard. Dry the L-αphenoxyethyl, penicillin potassium working standard as described in § 141a.5(a) and prepare a stock solution by dissolving a weighing of the dried standard in sufficient 0.1 M phosphate buffer pH 7.8 to 8.0 to give a stock solution of 100 units per milliliter. This stock solution may be used for 2 days if stored in the refrigerator.

(iii) Standard curve. Using the stock solution, further dilute with pH 7.8 to 8.0 buffer to get final concentrations of 0.064, 0.08, 0.1, 0.125, and 0.156 unit per milliliter, and proceed as described in § 141a.21(c) (1) (vii).

(iv) Assay. Dissolve a weighing of the sample in sufficient pH 7.8 to 8.0 buffer to give a convenient stock solution. Further dilute with buffer to give an estimated concentration equivalent to 0.1 unit per milliliter of the L-a-phenoxyethyl, penicillin potassium standard and then proceed as described in § 141a.21 (c) (1) (viii).

(v) Prepare a stock solution of the $D-\alpha$ -phenoxyethyl, penicillin potassium standard as described in paragraph (b) (ii) of this section. Further dilute this stock solution to an estimated activity equivalent to 0.1 unit per milliliter of the L-α-phenoxyethyl, penicillin potassium standard, and proceed as described in paragraph (b) (iv) of this section.

(vi) Calculation. Calculate the L-αphenoxyethyl, penicillin potassium content of the sample from the following equation:

Percent L-a-phenoxyethyl, penicillin potassium= $\frac{(R-r)}{(l-r)} \times 100$

where:

Units of L-a-phenoxyethyl, penicillin potassium equivalent (found per milligram of sample in microbial assay)

R =Units per milligram found in iodometric assay of sample

and

L-a-phenoxyethyl, penicillin potassium equivalent in units per milligram (of D-α-phenoxyethyl, penicillin potassium standard)

Potency in units per milligram of L-a-phenoxyethyl, penicillin potassium standard

(c) Potassium penicillin 152 content. Accurately weigh approximately 50 milligrams of the sample, dissolve in water, add to a 100-milliliter volumetric flask and make to volume with water. Determine the absorbance at 268 m μ , using a suitable ultraviolet spectrophotometer and quartz 1-centimeter cells. Set the instrument at zero absorbance with distilled water. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 240 m μ to 290

mμ. If a nonrecording spectrophotometer is used, determine the absorbance (on a solution containing 20 milligrams per 100 milliliters) at the 268 mu absorption peak, using a slit width of 0.5 millimeter or less. (The exact position of the peak should be determined for the particular instrument used.) Calculate the absorptivity, (a). Repeat the procedure, using the L-a-phenoxyethyl, penicillin potassium standard.

a (sample) $\frac{a \times 100}{a \text{ (standard)}} \times 100$ Percent potassium peniciliin 152=

(d) Moisture. Proceed as directed in § 141a.5(a).

(e) Toxicity. Proceed as directed in § 141a.4, except use sodium chloride solution as the diluent.

directed in (f) pH. Proceed as § 141a.5(b)

(g) Crystallinity. Proceed as directed in §141a.5(c).

(h) Identity. Add 0.5 milliliter of a methanol solution containing 2.0 milligrams per milliliter to a test tube, and dry under a current of air. Add about 2.0 milligrams of chromotropic acid and 2 milliliters of sulfuric acid. Heat in a glycerol bath at 150° C. for 3 minutes-4 minutes. An olive-green color is produced. (Penicillin V or its salts give a blue or purple color.)

§ 141a.101 Potassium penicillin 152 (potassium α-phenoxyethyl penicillin) tablets.

(a) Potency. Use the iodometric assay procedure in § 141a.5(d), except use the L-a-phenoxyethyl, penicillin potassium standard as the standard of comparison, and prepare the sample as follows: Place 12 tablets in a mortar and add approximately 20 milliliters of 1 percent phosphate buffer at pH 6.0. Disintegrate the tablets by grinding with a pestle. Transfer with the aid of small portions of the buffer solution to a 500milliliter volumetric flask and make to 500 milliliters by adding sufficient phosphate buffer. Make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0. The sample may also

be prepared as follows: Place 12 tablets in a blending jar and add thereto approximately 100 milliliters of a 500-milliliter quantity of 1 percent phosphate buffer at pH 6.0. After blending for 1 minute with a high-speed blender add the remainder of the 500 milliliters of buffer. Blend again for 1 minute and make the proper estimated dilutions in 1 percent phosphate buffer at pH 6.0. The average potency of potassium penicillin 152 tablets is satisfactory if they contain not less than 85 percent of the number of units per tablet that they are represented to contain.

(b) Moisture. Use 4 tablets and proceed as directed in § 141a.5(a).

§ 141a.102 Potassium penicillin 152 (potassium a-phenoxyethyl penicillin) for oral solution.

(a) Potency. Prepare the sample as directed on its labeling. Transfer an aliquot containing 200,000 units to a 100milliliter volumetric flask, make to volume with 1 percent phosphate buffer at pH 6.0, and assay by the iodometric assay procedure in § 141a.5(d), except use the L-a-phenoxyethyl, penicillin potassium standard as the standard of comparison.

(b) Moisture. Proceed as directed in § 141a.26(e).

§ 146.1 [Amendment]

2. Section 146.1 Definitions and in-terpretations ** * is amended in the following respects:

a. In paragraph (b) Definitions of master standards, subparagraph (1) is amended by adding thereto the following new sentences: "The term 'L-a-phenoxyethyl, penicillin potassium master standard' means a specific lot of L-aphenoxyethyl, penicillin potassium that is designated by the Commissioner as the standard of comparison in determining the potency of the L-α-phenoxyethyl, penicillin potassium working standard. The term 'D-a-phenoxyethyl, penicillin potassium master standard' means a specific lot of D-a-phenoxyethyl, penicillin potassium that is designated by the Commissioner as the standard of comparison in determining the potency of the D-a-phenoxyethyl, penicillin potas-sium working standard."

b. In paragraph (c) Definitions of theterm "unit" * * * subparagraph (1) (i) is amended by inserting the following sentence immediately before the last sentence: "The term 'unit' applied to potassium penicillin 152 means a penicillin activity contained in 0.68 microgram of the D- or L-a-phenoxyethyl, penicillin potassium master standard or in 0.61 microgram of the free acid, the latter value being used as a basis of conversion from units to the metric system."

c. Paragraph (d) Definitions of working standards, is amended by redesignating subparagraphs (1), (2), and (3) as (1) (i), (ii), and (iii), respectively, and by inserting after redesignated (1) (iii) a new subdivision, designated (iv), reading as follows:

(iv) The term "L-α-phenoxyethyl, penicillin potassium working standard" means a specific lot of a homogeneous cillin potassium. The term "D-a-phe-noxyethyl, penicillin potassium working standard" means a specific lot of a homogeneous preparation of D-α-phenoxyethyl penicillin potassium.

3. Part 146a is amended by adding thereto the following new sections:

§ 146a.16 Potassium pencillin (potassium a-phenoxyethyl penicillin).

(a) Standards of identity, strength, quality, and purity. Potassium penicillin 152 is the crystalline DL-a-phenoxyethyl, penicillin potassium salt. It contains not less than 90 percent by weight of potassium penicillin 152. It contains not less than 55 percent and not more than 75 percent of L-a-phenoxyethyl, penicillin potassium. It is so purified and dried that:

(1) Its potency is not less than 1,328 units per milligram.
(2) It is nontoxic.

(3) Its moisture content is not more than 1.5 percent.

(4) Its pH in an aqueous solution of 5.000 units to 10,000 units per milliliter is not less than 4.0 and not more than

(b) Packaging. In all cases the immediate container shall be a tight container as defined by the U.S.P., and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) Labeling. Each package shall bear on its outside wrapper or container and the immediate container, as herein-

after indicated, the following:

(1) The batch mark.(2) The number of units per milligram and the number of grams in the immediate container.

(3) The statement "Expiration date the blank being filled in with the date that is 24 months after the month during which the batch was certified.

(4) The statement "For use in the manufacture of nonparenteral drugs

(5) The statement "Caution: Federal law prohibits dispensing without pre-

scription."

(d) Request for certification; samples. (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, content of potassium penicillin 152, content of L-a-phenoxyethyl penicillin potassium, toxicity, moisture, pH, crystallinity, and identity.

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of 10 preparation of L-α-phenoxyethyl, peni- packages, each containing approximately

300 milligrams taken from a different part of such batch, packaged in accordance with the requirements of paragraph (b) of this section.

(e) Fees. The fee for the services rendered with respect to each batch under the regulations in this section

shall be:

(1) \$5.00 for each immediate container in the sample submitted in accordance with paragraph (d)(2) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fee is covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

§ 146a.17 Potassium penicillin 152 (potassium a-phenoxyethyl penicil-lin) tablets.

(a) Standards of identity, strength, quality, and purity. Potassium penicillin 152 tablets are tablets composed of potassium penicillin 152, with or without one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. The potency of each tablet is not less than 50,000 units, and if it is less than 100,000 units it is unscored. Its moisture content is not more than 1.5 percent. The potassium penicillin 152 used conforms to the requirements of § 146a.16(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) Packaging. Unless each potassium penicillin 152 tablet is enclosed in a foil or plastic film and such enclosure is a tight container as defined by the U.S.P., except the provision that it shall be capable of tight reclosure, the immediate container shall be a tight container as so defined. The immediate container may also contain a desiccant separated from the tablets by a plug of cotton or other like material. The composition of the immediate container, or of the foil or film enclosure, shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) Labeling. Each package of potassium penicillin 152 tablets shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units in each tablet of the batch.

(iii) If the batch contains buffer substances, the name of each such substance used in making the batch.

- (iv) The statement "Expiration date _____," the blank being filled in with the date that is not more than 24 months after the month during which the batch was certified.
- (v) The statement "Caution: Federal law prohibits dispensing without prescription."
- (2) On the circular or other labeling within or attached to the package, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.
- (d) Request for certification; samples. (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of potassium penicillin 152 tablets shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the potassium penicillin 152 used in making such batch was completed, the number of units in each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.
- (2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Average potency per tablet and average moisture.

- (ii) The potassium penicillin 152 used in making the batch: Potency, content of potassium penicillin 152, content of L- α -phenoxyethyl, penicillin potassium, toxicity, moisture, pH, crystallinity, and identity.
- (3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:
- (i) The batch: One tablet for each 5,000 tablets in the batch, but in no case less than 30 tablets, collected by taking single tablets at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.
- (ii) The potassium penicillin 152 used in making the batch: 10 packages, each containing not less than 300 milligrams, packaged in accordance with the requirements of § 146a.16(b).
- (iii) In case of an initial request for certification, each other substance used in making the batch: One package of each, containing approximately 5 grams.
- (4) The result referred to in subparagraph (2) (ii) of this paragraph and the sample referred to in subparagraph (3) (ii) of this paragraph are not required if such result and sample have been previously submitted.
- (e) Fees. The fees for the services rendered with respect to each batch of potassium penicillin 152 tablets under

the regulations in this section shall be:
(1) \$0.75 for each tablet in the sample submitted in accordance with paragraph (d) (3) (i) of this section; \$5.00 for each package in the sample submitted in accordance with paragraph (d) (3) (ii) of this section; \$4.00 for each package in the sample submitted in accordance with paragraph (d) (3) (iii) of this section.

(2) If the Commissioner considers that investigations, other than examination of such tablets and packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fees prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fees are covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

§ 146a.18 Potassium penicillin 152 (potassium a-phenoxyethyl penicillin) for oral solution.

- (a) Standards of identity, strength, quality, and purity. Potassium penicillin 152 for oral solution is a mixture of potassium penicillin 152, with or without one or more suitable and harmless colorings, flavorings, buffer substances, and preservatives. Its moisture content is not more than 1.0 percent. The potassium penicillin 152 used conforms to the requirements of § 146a.16(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.
- (b) Packaging. In all cases the immediate container of potassium penicilin 152 for oral solution shall be a tight container as defined by the U.S.P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.
- (c) Labeling. Each package of potassium penicillin 152 for oral solution shall bear on its label or labeling, as hereinafter indicated, the following:
- (1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units in the immediate container.

- (iii) The name of each buffer substance and the name and quantity of each preservative used in making the batch.
- (iv) The statement "Expiration date _____," the blank being filled in with the date that is 18 months after the month during which the batch was certified.
- (v) The statement: "Caution: Federal law prohibits dispensing without prescription."
- (2) On the circular or other labeling within or attached to the package, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

- (d) Request for certification; samples. In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of potassium penicillin 152 for oral solution shall submit it with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark, and (unless it was previously submitted) the date on which the latest assay of the potassium penicillin 152 used in making such batch was completed, the number of units in each immediate container, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.
- (2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:
- (i) The batch: Potency and moisture. (ii) The potassium penicillin 152 used in making the batch: Potency, content of potassium penicillin 152, content of L- α -phenoxyethyl, penicillin potassium, toxicity, moisture, pH, crystallinity, and identity.
- (3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:
- (i) The batch: One immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.
- (ii) The potassium penicillin 152 used in making the batch: 10 packages containing not less than 300 milligrams packaged in accordance with the requirements of § 146a.16(b).
- (iii) In the case of an initial request for certification, each other substance used in making the batch: One package of each containing approximately 5 grams.
- (4) The result referred to in subparagraph (2) (ii) of this paragraph and the sample referred to in subparagraph (3) (ii) of this paragraph are not required if such result and sample have been previously submitted.
- (e) Fees. The fees for the services rendered with respect to each batch of potassium penicillin 152 for oral suspension under the regulations in this section shall be:
- (1) \$4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (3) (i) and (iii) of this section: \$5.00 for each package of the sample submitted in accordance with paragraph (d) (3) (ii) of this section.
- (2) If the Commissioner considers that investigations, other than examina-

tion of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fees prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fees are covered by an advance deposit maintained in accordance with § 146.8 of this chapter.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for tests and methods of assay and certification of the antibiotic drugs covered by this order.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: November 6, 1959.

[SEAL] GEO. P. LARRICK, Commissioner of Food and Drugs.

[F.R. Doc. 59-9667; Filed, Nov. 13, 1959; 8:48 a.m.]

Title 29—-LABOR

Chapter IV—Bureau of Labor-Management Reports, Department of Labor

PART 402—LABOR ORGANIZATION INFORMATION REPORTS

Section 201(a) of the Labor-Management Reporting and Disclosure Act of 1959 (Public Law 86-257; 73 Stat. 519), requires every labor organization subject to its terms to adopt a constitution and bylaws and to file such documents, together with a report containing certain information on its organization and procedures with the Secretary of Labor within 90 days of the effective date of the Act, or of the date on which it first becomes subject thereto. Section 208 of the Act authorizes the Secretary to issue rules and regulations prescribing the form and publication of such report.

Therefore, under authority of sections 201(a) and 208 of the Labor-Management Reporting and Disclosure Act. (Public Law 86-257; 73 Stat. 519) and R.S. 161 (5 U.S.C. 22), Chapter IV, 29 Code of Federal Regulations is hereby amended by adding thereto a new Part 402 to read as follows:

402 to read as follows:

402.1 Labor organization constitution and bylaws.

402.2 Labor organization initial information report.

402.3 Filing of initial reports.
402.4 Subsequent reports.

402.4 Subsequent reports. 402.5 Terminal reports.

402.6 Acknowledgment of receipt of reports and documents.

Sec. 402.7 Effect of acknowledgment and filing by the Bureau.

402.8 Personal responsibility of signatories of reports.

402.9 Maintenance and retention of records.
402.10 Dissemination and verification of reports.

402.11 Attorney-client communications exempted.

402.12 Publication of reports required by this part.

AUTHORITY: §§ 402.1 to 402.12 issued under sec. 208 Pub. Law 86-257, 73 Stat. 519 and R.S. 161, 5 U.S.C. 22.

§ 402.1 Labor organization constitution and bylaws.

Every labor organization shall adopt a constitution and bylaws consistent with the provisions of the Act applicable thereto, not later than December 14, 1959, or within 90 days after the date the labor organization first becomes subject to the Act, whichever is later. This shall not, however, require the formal readoption by a labor organization of such a constitution and bylaws which it has previously adopted and under which it is operating when the report prescribed by \$402.2 is filed. As used in this part "constitution and bylaws" means the basic written rules governing the organization.

§ 402.2 Labor organization initial information report.

Every labor organization shall file a report signed by its President and Secretary or corresponding principal officers containing the information required to be filed by section 201(a) of the Act, and found necessary to be reported under section 208 thereof by the Secretary, on the following United States Department of Labor Form LM-11 entitled, "Labor Organization Information Report". There shall be attached to such report and made a part thereof a copy of the constitution and bylaws adopted by the reporting labor organization.

§ 402.3 Filing of initial reports.

(a) Every labor organization shall file with the Commissioner, Bureau of Labor-Management Reports, U.S. Department of Labor, Washington, D.C., the report and (subject to the provisions of paragraph (b) of this section, where applicable) a copy of its constitution and bylaws required by section 201(a) of the Act and § 402.2, together with one additional copy of each, not later than December 14, 1959, or within 90 days after the date on which it first becomes subject to the Act, whichever is later.

(b) A labor organization subject to paragraph (a) of this section may adopt or may have adopted as its constitution and bylaws (whether by formal action or by virtue of affiliation with a parent organization) a constitution and bylaws of a national or international labor organization which the national or international organization is required to file under section 201(a) of the Act and this part. In such a case, a filing by the national or international labor organization of copies of such constitution and bylaws will be accepted as a filing of such

documents by each such adopting labor organization within the meaning of section 201(a) of the Act and this part, if the following conditions are met: (1) The national or international labor organizations shows in its report filed under paragraph (a) of this section that copies of its constitution and bylaws are being filed on behalf of such adopting organizations as well as on its own behalf, and files such number of additional copies as the Bureau may request for publication in accordance with § 407.2 of this chapter; and (2) the adopting labor organization shows in its report filed under paragraph (a) of this section that the national or international constitution and bylaws are also its constitution and bylaws and that copies are filed on its behalf by the national or international labor organization. If the constitution and bylaws of the adopting labor organization include other documents, this shall be shown in such report and copies shall be filed as provided in paragraph (a) of this section.

§ 402.4 Subsequent reports.

Any change in the information or the content of the documents, or both, required to be filed initially by every labor organization under section 201(a) of the Act and §§ 402.2 and 402.3 as may occur after such labor organization has filed its initial report and documents, except as hereinafter provided by § 402.5, shall thereafter be reported to the Commissioner, Bureau of Labor-Management Reports, U.S. Department of Labor, Washington, D.C., at the same time that the reporting labor organization files with such Bureau its next annual financial report required by section 201(b) of the Act, and Part 403 of this chapter.

§ 402.5 Terminal reports.

Any labor organization required to file reports under the provisions of this part. which ceases to exist by virtue of dissolution or any other form of termination of its existence as a labor organization, or which loses its identity as a reporting labor organization through merger, consolidation or otherwise, shall file a report containing a detailed statement of the circumstances and effective date of such termination or loss of reporting identity, and if the latter, such report shall also state the name and mailing address of the labor organization into which it has been consolidated. merged or otherwise absorbed. Such report shall be signed by the President and Secretary or corresponding principal officers of the labor organization at the time of its termination or loss of reporting identity and, together with a copy thereof, shall be filed with the Commissioner of the Bureau, at the place aforesaid, within 30 days of the effective date of such termination or loss of reporting identity, as the case may be.

§ 402.6 Acknowledgment of receipt of reports and documents.

The Bureau of Labor-Management Reports shall acknowledge in writing the receipt of all reports and documents submitted for filing under the provisions of this part, and the Bureau shall assign to the initial information report filed by

Filed as part of the original document.

each labor organization, an identifying number which will be endorsed on such acknowledgment. This number thereafter shall be entered by the reporting labor organization on all subsequent or terminal reports and all other documents which it thereafter submits for filing under this part, as well as on all communications directed to the Bureau concerning such reports and documents.

§ 402.7 Effect of acknowledgment and filing by the Bureau.

Acknowledgment by the Bureau of Labor-Management Reports of the receipt of reports and documents submitted for filing under this part, is intended solely to inform the sender of the receipt thereof by the Bureau, and neither such acknowledgment nor the filing of such reports and documents by the Bureau constitutes express or implied approval thereof, or in any manner indicates that the content of any such report or document fulfills the reporting or other requirements of the Act, or of the regulations in this chapter, applicable thereto.

§ 402.8 Personal responsibility of signatories of reports.

Each individual required to sign any report under section 201(a) of the Act and under this part shall be personally responsible for the filing of such report and for any statement contained therein which he knows to be false.

§ 402.9 Maintenance and retention of records.

Every person required to file any report under this part shall maintain rec-

ords on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Bureau may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions, and shall keep such records available for examination for a period of not less than five years after the filing of the documents based on the information which they contain.

§ 402.10 Dissemination and verification of reports.

Every labor organization required to submit a report under section 201(a) of the Act and under this part shall make available to all its members the information required to be contained in such report, including the copy of the constitution and bylaws required to be filed therewith, and every such labor organization and its officers shall be under a duty to permit such member for just cause to examine any books, records, and accounts necessary to verify such report and constitution and bylaws.

§ 402.11 Attorney-client communications exempted.

Nothing contained in this part shall be construed to require an attorney who is a member in good standing of the bar of any State, to include in any report required to be filed pursuant to the provisions of section 201(a) of the Act, and of this part, any information which was lawfully communicated to such attorney by any of his clients in the course

of a legitimate attorney-client relationship.

§ 402.12 Publication of reports required by this part.

Inspection and examination of any report or other document filed as required by section 201(a) of the Act and by the provisions of this part, and the furnishing by the Bureau of copies thereof to any person requesting them, shall be governed by the provisions of Part 407 of this chapter.

Since the form and publication of the reports prescribed by this part comparatively adhere to the requirements of section 201(a) of the Act, the remaining regulations declaring provisions of the Act applicable to such reports and to organizations and persons required to make and to file them, and it appearing that data, views and arguments were solicited, received and fully considered in aid of prescribing Form LM-1, and that the time remaining for the filing of information required by the Act on such Form does not permit of notice, public participation and delayed effective date of these regulations, and good cause therefor existing, the regulations in this part, as authorized by the Administrative Procedure Act, are made effective upon publication in the FEDERAL

Signed at Washington, D.C., this 9th day of November 1959.

JAMES P. MITCHELL, Secretary of Labor.

[F.R. Doc. 59-9674; Filed, Nov. 13, 1959; 8:49 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service I 26 CFR (1954) Part 1 1

INCOME TAX; TAXABLE YEARS BE-GINNING AFTER DECEMBER 31, 1953

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM, Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to sections 16 and 17 of the Technical Amendments Act of 1958 (72 Stat. 1613), such regulations are amended as follows:

§ 1.213 [Amendment]

PARAGRAPH 1. Section 1.213 is amended: (A) By striking the words "claimed or" in section 213(d) (2) (A).

(B) By striking the word "The" at the beginning of section 213(c) and inserting in lieu thereof "Except as provided in subsection (g), the".

(C) By adding at the end of section 213 the following new subsection:

(g) Maximum limitation if taxpayer or spouse has attained age 65 and is disabled—
(1) Special rule. Subject to the provisions

of paragraph (2), the deduction under this section shall not exceed—

(A) \$15,000, if the taxpayer has attained the age of 65 before the close of the taxable year and is disabled, or if his spouse has attained the age of 65 before the close of the taxable year and is disabled and if his spouse does not make a separate return for the taxable year, or

(B) \$30,000, if both the taxpayer and his spouse have attained the age of 65 before the close of the taxable year and are disabled and if the taxpayer files a joint return with his spouse under section 6013.

(2) Amounts taken into account. For purposes of paragraph (1)—

(A) Amounts paid by the taxpayer during the taxable year for medical care, other than amounts paid for—

(i) His medical care, if he has attained the age of 65 before the close of the taxable year and is disabled, or

(ii) The medical care of his spouse, if his spouse has attained the age of 65 before the close of the taxable year and is disabled, shall be taken into account only to the ex-

tent that such amounts do not exceed the maximum limitation provided in subsection (c) which would (but for the provisions of this subsection) apply to the taxpayer for the taxable year;

(B) If the taxpayer has attained the age of 65 before the close of the taxable year and is disabled, amounts paid by him during the taxable year for his medical care shall be

taken into account only to the extent that such amounts do not exceed \$15,000; and

(C) If the spouse of the taxpayer has attained the age of 65 before the close of the taxable year and is disabled, amounts paid by the taxpayer during the taxable year for the medical care of his spouse shall be taken into account only to the extent that such amounts do not exceed \$15,000.

(3) Meaning of disabled. For purposes of paragraph (1), an individual shall be considered to be disabled if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long continued and indefinite duration. An individual shall not be considered to be disabled unless he furnishes proof of the existence thereof in such form and manner as the Secretary or his delegate may require.

(4) Determination of status. For purposes of paragraph (1), the determination as to whether the taxpayer or his spouse is disabled shall be made as of the close of the taxable year of the taxpayer, except that if his spouse dies during such taxable year such determination shall be made with respect to his spouse as of the time of such death.

(D) By adding at the end thereof the following historical note:

[Sec. 213 as amended by secs. 16 and 17, Technical Amendments Act 1958 (72 Stat. 1613)]

§ 1.213-1 [Amendment]

Par. 2. Section 1.213-1 is amended:

(A) By revising the second sentence of paragraph (a) (4) (i) to read as follows: "In such a case the taxpayer may deduct, subject to the 1 percent limitation with respect to medicine and drugs set forth in paragraph (b) of this section and subject to the maximum amount allowable as described in § 1.213-2 or paragraph (c) of this section:

(a) The amount of all payments for the medical care of the taxpayer and his spouse, and

(b) The amount by which his payments for the medical care of his dependents exceed 3 percent of his ad-

justed gross income."

(B) By striking "The" in paragraph (c) (1) and inserting in lieu thereof "Except as provided in section 213(g) and § 1.213-2 (relating to certain aged and disabled individuals), the".

(C) By inserting immediately after paragraph (c) (2) the following new subparagraph:

(3) For the maximum deduction allowable if the taxpayer or his spouse is age 65 or over and is disabled, see § 1.213-2.

Par. 3- There is inserted immediately after § 1.213-1 the following new section:

§ 1.213-2 Maximum limitation on deduction if taxpayer or spouse is age 65 or over and is disabled.

(a) In general. For taxable years beginning after December 31, 1957, section 213(g) provides that the limitation of section 213(c) on the amount of deduction allowable for medical expenses shall not apply in certain cases. For any such taxable year, the maximum amount that is deductible under section 213 for medical expenses shall be:

(1) \$15,000, if the taxpayer has attained the age of 65 before the close of the taxable year and is disabled, or

(2) \$15,000, if his spouse has attained the age of 65 before the close of the taxable year and is disabled and if his spouse does not file a separate return for the taxable year, or

(3) \$30,000, if both the taxpayer and his spouse have attained the age of 65 before the close of the taxable year and are disabled and if they file a joint re-

turn under section 6013.

(b) Includible medical expenses. (i) The increased deduction provided by section 213(g) is allowable only with respect to the medical expenses of the individual who qualifies for such increased deduction. Amounts spent for the medical care of a dependent, or for the spouse of the taxpayer if she is not age 65 or over and disabled, or for the taxpayer if he is not age 65 or over and disabled, are deductible only to the extent provided by section 213(c). Thus, if amounts are spent for the medical care of an individual who does not qualify for the increased deduction provided by section 213(g), it is necessary to determine the portion of such amounts that would be deductible under section 213(c), and only such portion of such expenses is deductible.

(ii) The application of this subparagraph may be illustrated by the following example in which H and W file a joint return and have no dependents:

Example. H, who is over age 65 but not disabled, spends \$6,000 for medical care for himself during the taxable year and \$9,000 for the medical care of W, who is age 67 and is disabled throughout the taxable year. As a result of the application of the provisions of this paragraph and section 213(c), H would be entitled to a deduction of \$5,000 for expenses paid for his own medical care, while under section 213(g) he would be allowed a deduction of \$9,000 for the medical care of W, a total of \$14,000.

(2) Amounts paid for the medical care of an individual who qualifies for the increased deduction provided by section 213(g) are deductible only to the extent such amounts do not exceed \$15,000. For example, if both the taxpayer and his spouse were age 65 or over and disabled, and the taxpayer paid \$20,000 for medical care for himself, and \$5,000 for medical care for his spouse, the maximum deduction allowable on a joint return would be \$20,000 (\$15,000 for the taxpayer and \$5,000 for his spouse).

(3) Except as provided in section 213(b) and paragraph (b) of § 1.213-1, all amounts paid during the taxable year for the medical care of an individual who qualifies for the increased deduction provided by section 213(g) are deductible to the extent provided in such section. See paragraph (a) (4) (i) of § 1.213-1. For example, an individual who files his income tax return on the basis of a calendar year, and who is age 70 and becomes disabled in September, may, in determining his increased deduction under section 213(g), include all amounts which he paid during the taxable year for his medical care (except to the extent limited by section 213(b) and paragraph (b) of § 1.213-1), irrespective of whether the amounts are paid in connection with the disability which qualifies him for the increased deduction, or

whether they were paid in connection with another illness.

(c) Meaning of disabled. (1) An individual shall be considered to be disabled if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. In determining whether an individual's impairment makes him unable to engage in any substantial gainful activity, primary consideration shall be given to the nature and severity of his impairment. Consideration shall also be given to other factors such as the individual's education, training, and work experience. The substantial gainful activity to which section 213(g) refers is the activity, or a comparable activity, in which the individual customarily engaged prior to the arising of the disability (or prior to retirement if the individual was retired at the time the disability arose). In the case of a taxpayer's spouse whose primary activity is housekeeping, housekeeping shall be considered her substantial gainful activity for purposes of section 213(g).

(2) Whether or not the impairment in a particular case constitutes a disability is to be determined with reference to all the facts in the case. The following are examples of impairments which would ordinarily be considered as preventing substantial gainful activity:

(i) Loss of use of two limbs:

(ii) Certain progressive diseases which have resulted in the physical loss or atrophy of a limb, such as diabetes, multiple sclerosis, or Buerger's disease;

(iii) Diseases of the heart, lungs, or blood vessels which have resulted in major loss of heart or lung reserve as evidenced by X-ray, electrocardiogram, or other objective findings, so that despite medical treatment breathlessness, pain, or fatique is produced on slight exertion, such as walking several blocks, using public transportation, or doing small chores:

(iv) Cancer which is inoperable and progressive:

(v) Damage to the brain or brain adnormality which has resulted in severe loss of judgment, intellect, orientation, or memory:

(vi) Mental diseases (e.g., psychosis or severe physchoneurosis) requiring continued institutionalization or constant supervision of the individual:

(vii) Loss or diminution of vision to the extent that the affected individual has a central visual acuity of no better than 20/200 in the better eye after best correction, or has a limitation in the fields of vision such that the widest diameter of the visual fields subtends an angle no greater than 20 degrees;

(viii) Permanent and total loss of speech:

(ix) Total deafness uncorrectible by a hearing aid.

The existence of one or more of those impairments (or of an impairment of greater severity) will not, however, in and of itself always permit a finding that and individual is disabled as defined in section 213(g). Any impairment,

whether of lesser or greater severity, must be evaluated in terms of whether it does in fact prevent the individual from engaging in his customary or any comparable substantial gainful activity.

(3) In order to meet the requirements of section 213(g), an impairment must be expected either to continue for a long and indefinite period or to result in death. Ordinarily, a terminal illness because of disease or injury would result in disability. Indefinite is used in the sense that it cannot reasonably be anticipated that the impairment will, in the foreseeable future, be so diminished as no longer to prevent substantial gainful activity. For example, an individual who suffers a bone fracture which prevents him from working for an extended period of time will not be considered disabled. if his recovery can be expected in the foreseeable future; if the fracture persistently fails to knit, the individual would ordinarily be considered disabled.

(4) An impairment which is remediable does not constitute a disability within the meaning of section 213(g). An individual will not be deemed disabled if, with reasonable effort and safety to himself, the impairment can be diminished to the extent that the individual will not be prevented by the impairment from engaging in his customary or any comparable substantial gainful activity.

(d) Manner of proving the existence of disability. (1) Any taxpayer whose medical expenses are in excess of the maximum limitations of section 213(c) and who seeks to apply the provisions of section 213(g) must submit the information required by paragraph (h) of § 1.213-1 and must establish that he or his spouse, as the case may be, has sustained an impairment as described in paragraph (c) of this section and that by reason of such impairment, he or his spouse, as the case may be, is unable, with his training, education, and work experience, to engage in his customary or any comparable substantial gainful activity, within the meaning of paragraph (c) of this section.

(2) For the first taxable year for which the taxpayer seeks to apply section 213(g) in regard to an individual. there must be submitted with his income tax return a doctor's statement as to the impairment of such individual upon which the taxpayer relies. There must also be submitted with the return a statement by the taxpayer with respect to the effect of the impairment upon such individual's substantial gainful activity. For subsequent taxable years, the taxpayer may, in lieu of such statements with respect to such individual, submit a statement declaring the continued existence (without substantial diminution) of the impairment and its continued effect upon the substantial gainful activity.

(e) Determination of status. (1) For purposes of this section, the determination as to whether a taxpayer or his spouse is disabled shall be made as of the close of the taxable year. Thus, if the taxpayer or his spouse is disabled as of the close of the taxpayer's taxable year, the individual concerned shall be considered disabled for the entire tax-

able year. If the taxpayer's spouse dies during the taxpayer's taxable year, the determination as to whether she is disabled for such taxable year shall be made as of the date of her death. However, if the disability of the taxpayer or his spouse terminates during the taxable year of the taxpayer, the individual concerned shall not be considered disabled for purposes of this section.

(2) For purposes of this section, the age of a taxpayer or his spouse shall be determined in accordance with the rules stated in paragraph (a) (4) (ii) of § 1,213-1.

[F.R. Doc. 59-9663; Filed, Nov. 13, 1959; 8:47 a.m.]

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BE-GINNING AFTER DECEMBER 31, 1953

Integration of Qualified Pension, Profit-Sharing, Stock Bonus, and Annuity Plans With Social Security Benefits

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the Federal Register. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request in writing to the Commissioner within the 30-day period. In such a case, a public hearing will be held and notice of time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL]

CHARLES I. Fox, Acting Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to the Social Security Amendments of 1958 (72 Stat. 1013), such regulations are amended as follows:

Paragraph (e) (2) of \$1.401-3 is amended:

- (A) By deleting "\$4,200" each place it appears and substituting in each place "\$4,800" in lieu thereof.
- (B) By striking "20 percent" in the first sentence and substituting in lieu thereof "22 percent".
- (C) By revising the second sentence to read as follows: "These assumptions

take into consideration the changes made by the Social Security Amendments of 1958."

- (D) By striking "1956" in the third sentence and substituting in lieu thereof "1959".
- (E) By striking "1954" in the last sentence and substituting in lieu thereof "1958".

[F.R. Doc. 59-9664; Filed, Nov. 13, 1959; 8:47 a.m.]

I 26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BE-GINNING AFTER DECEMBER 31, 1953

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the Federal Register. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL]

CHARLES I. FOX, Acting Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) relating to sections 1031, 1033, 1034, 1053, and 1071 of the Internal Revenue Code of 1954 to sections 44, 45, 46, 47, and 48 of the Technical Amendments Act of 1958 (72 Stat. 1641, 1642), such regulations are amended as follows, effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except as specifically provided otherwise:

PARAGRAPH 1. Section 1.1031(d) is amended to read as follows:

§ 1.1031(d) Statutory provisions; exchange of property held for productive use or investment; basis.

SEC. 1031. Exchange of property held for productive use or investment. * * *

(d) Basis. If property was acquired on an exchange described in this section, section 1035(a), or section 1036(a), then the basis shall be the same as that of the property exchanged, decreased in the amount of any money received by the taxpayer and in-

creased in the amount of gain or decreased in the amount of loss to the taxpayer that was recognized on such exchange. If the property so acquired consisted in part of the type of property permitted by this section, section 1035(a), or section 1036(a), to be received without the recognition of gain or loss, and in part of other property, the basis provided in this subsection shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such other property an amount equivalent to its fair market value at the date of the exchange. For purposes of this section, section 1035(a), and section 1036(a), where as part of the consideration to the taxpayer another party to the exchange assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability, such assumption or acquisition (in the amount of the liability) shall be considered as money received by the taxpayer on the exchange.

[Sec. 1031(d) as amended by sec. 44, Technical Amendments Act 1958 (72 Stat. 1641)]

§ 1.1031(d)-1 [Amendment]

Par. 2. Section 1.1031(d)-1 is amended by adding at the end thereof the following new paragraph:

(e) If, upon an exchange of properties of the type described in section 1031, section 1035(a), or section 1036(a), the taxpayer also exchanged other property (not permitted to be transferred without the recognition of gain or loss) and gain or loss from the transaction is recognized under section 1002 or a similar provision of a prior revenue law, the basis of the property acquired is the total basis of the properties transferred (adjusted to the date of the exchange) increased by the amount of gain and decreased by the amount of loss recognized on the other property. For purposes of this rule, the taxpayer is deemed to have received in exchange for such other property an amount equal to its fair market value on the date of the exchange. The application of this paragraph may be illustrated by the following example:

Example. A exchanges real estate held for investment plus stock for real estate to be held for investment. The real estate transferred has an adjusted basis of \$10,000 and a fair market value of \$11,000. The stock transferred has an adjusted basis of \$4,000 and a fair market value of \$2,000. The real estate acquired has a fair market value of \$13,000. A is deemed to have received a \$2,000 portion of the acquired real estate in exchange for the stock, since \$2,000 is the fair market value of the stock at the time of the exchange. A \$2,000 loss is recognized under section 1002 on the exchange of the stock for real estate. No gain or loss is recognized on the exchange of the real estate since the property received is of the type permitted to be received without recognition of gain or loss. The basis of the real estate acquired by A is determined as follows:

Adjusted basis of real estate trans-

ferred_. _ \$10,000 Adjusted basis of stock transferred__ 4,000

14, 000 Less: Loss recognized on transfer of

> Basis of real estate acquired upon the exchange_____ 12,000

§ 1.1033(a) [Amendment]

Par. 3. Section 1.1033(a) is amended: (A) By adding at the end of paragraph (2) of section 1033(a) thereof the following sentence:

* * * For purposes of this paragraph and paragraph (3), the term "control" means the ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of the corpora-

(B) By adding at the end thereof the following historical note:

[Sec. 1033(a) as amended by sec. 45, Technical Amendments Act 1958 (72 Stat. 1641)]

§ 1.1033(a)-I [Amendment]

Par. 4. Paragraph (b) of § 1.1033(a)-1 is amended by striking the first two sentences and inserting in lieu thereof the following: "For rules applicable to involuntary conversions of a principal residence occurring before January 1, 1951, see § 1.1033(b)-1. For rules applicable to involuntary conversions of a principal residence occurring after December 31, 1950, and before January 1, 1954, see paragraph (h) (1) of § 1.1034-1. For rules applicable to involuntary conversions of a personal residence occurring after December 31, 1953, § 1.1033(b)-1. For special rules relating to the election to have section 1034 apply to certain involuntary conversions of a principal residence occurring after December 31, 1957, see paragraph (h)(2) of § 1.1034-1. For special rules relating to certain involuntary conversions of real property held either for productive use in trade or business or for investment and occurring after December 31, 1957, see § 1.1033(g)-1. See also special rules applicable to involuntary conversions of property sold pursuant to reclamation laws, livestock destroyed by disease, and livestock sold on account of drought provided in §§ 1.1033(d)-1, 1.1033(e)-1, and 1.1033(f)-1, respectively. For rules relating to basis of property acquired through involuntary conversions, see § 1.1033(c)-1."

§ 1.1033(b)-1 [Amendment]

Par. 5. Section 1.1033(b)-1 is amended by inserting the following sentence immediately after the first sentence thereof: "However, section 1033 shall not apply to the seizure, requisition, or condemnation (but not destruction), or the sale or exchange under threat or imminence thereof, of such residence property if the seizure, requisition, condemnation, sale, or exchange occurs after December 31, 1957, and if the taxpayer properly elects under section 1034 (i) (2) to treat the transaction as a sale (see paragraph (h)(2)(ii) of § 1.1034-

PAR. 6. The following sections are inserted immediately after § 1.1033(f)-1:

§ 1.1033(g). Statutory provisions; involuntary conversions; condemnation of real property held for productive use in trade or business or for invest-

Sec. 1033. Involuntary conversions. * * * (g) Condemnation of real property held for productive use in trade or business or for investment—(1) Special rule. For purposes of subsection (a), if real property (not in-

cluding stock in trade or other property held primarily for sale) held for productive use in trade or business or for investment is (as the result of its seizure, requisition, or condemnation, or threat or imminence thereof) compulsorily or involuntarily converted, property of a like kind to be held either for productive use in trade or business or for investment shall be treated as property similar or related in service or use to the property so converted.

(2) Limitations—(A) Purchase of stock. Paragraph (1) shall not apply to the purchase of stock in the acquisition of control of a corporation described in subsection

(a) (3) (A).
(B) Conversions before January 1. 1958. Paragraph (1) shall apply with respect to the compulsory or involuntary conversion of any real property only if the disposition of the converted property (within the meaning of subsection (a)(2)) occurs after December

[Sec. 1033(g) as added by sec. 46(a), Technical Amendments Act 1958 (72 Stat. 1641)]

§ 1.1033(g)-1 Condemnation of real property held for productive use in trade or business or for investment.

(a) Special rule in general. This section provides special rules for applying section 1033 with respect to certain dispositions, occurring after December 31, 1957, of real property held either for productive use in trade or business or for investment (not including stock in trade or other property held primarily for sale). For this purpose, disposition means the seizure, requisition, or condemnation (but not destruction) of the converted property, or the sale or exchange of such property under threat or imminence of seizure, requisition, or condemnation. In such cases, for purposes of applying section 1033; the replacement of such property with property of like kind to be held either for productive use in trade or business or for investment shall be treated as property similar or related in service or use to the property so converted. For principles in determining whether the replacement property is property of like kind, see paragraph (b) of $\S 1.1031(a)-1$.

(b) Limitation on application of special rule. This section shall not apply to the purchase of stock in the acquisition of control of a corporation described in section 1033(a)(3)(A).

Par. 7. Sections 1.1033(g) and 1.1033 (g)-1, as redesignated by Treasury Decision 6338, approved December 8, 1958, are further redesignated as §§ 1.1033(h). and 1.1033(h)-1, respectively.

$\S 1.1033(h)$ [Amendment]

Par. 8. Section 1.1033(h), as redesignated, is amended by adding at the end thereof the following historical note:

[Sec. 1033(h) as amended by sec. 46(a), Technical Amendments Act of 1958 (72 Stat.

Par. 9. Section 1.1033(h)-1, as redesignated, is amended to read as follows:

§ 1.1033(h)-1 Effective date.

Except as provided otherwise in § 1.1033(f)-1 and § 1.1033(g)-1, the provisions of section 1033 and the regulations thereunder are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954.

§ 1.1034 [Amendment]

Par. 10. Section 1.1034 is amended,

(A) By renumbering paragraph (2) of section 1034(i) as (3), and by inserting after paragraph (1) the following new paragraph:

(2) Condemnations after December 31, 1957. For purposes of this section, the seizure, requisition, or condemnation of property, or the sale or exchange of property under threat or imminence thereof, if occurring after December 31, 1957, shall, at the election of the taxpayer, be treated as the sale of such property. Such election shall be made at such time and in such manner as the Secretary or his delegate shall prescribe by regulations.

(B) By adding at the end thereof the following historical note:

[Sec. 1034 as amended by sec. 46(b), Technical Amendments Act 1958 (72 Stat. 1642)]

§ 1.1034-1 * [Amendment]

Par. 11. Paragraph (b) (8) of § 1.1034-1 is amended to read as follows:

(2) "Sale" (of a residence) means a sale or an exchange (of a residence) for other property which occurs after December 31, 1953, an involuntary conversion (of a residence) which occurs after December 31, 1950, and before January 1, 1954, or certain involuntary conversions where the disposition of the property occurs after December 31, 1957, in respect of which a proper election is made under section 1034(i) (2) (see sections 1034(c) (1), 1034(i) (1) (A), and 1034(i) (2); for detailed explanation concerning involuntary conversions, see paragraph (h) of this section).

PAR. 12. Paragraph (h) of § 1.1034-1 is amended to read as follows:

(h) Special rules for involuntary conversions—(1) In general. Except as provided in subparagraph (2) of this paragraph, section 1034 is inapplicable to involuntary conversions of personal residences occurring after December 31, 1953 (section 1034(i)(1)(B)). For purposes of section 1034, an involuntary conversion of a personal residence occurring after December 31, 1950, and before January 1, 1954, is treated as a sale of such residence (section 1034(i) (1) (A); see paragraph (b) (8) of this section). For purposes of this paragraph, an involuntary conversion is defined as the destruction in whole or in part, theft, seizure, requisition, or condemnation of property, or the sale or exchange of property under threat or imminence thereof. See section 1033 and § 1.1033 (b)-1 for treatment of residences involuntarily converted after December 31.

(2) Election to treat condemnation of personal residence as sale. (i) Section 1034(i) (2) provides a special rule which permits a taxpayer to elect to treat the seizure, requisition, or condemnation of his principal residence, or the sale or exchange of such residence under threat or imminence thereof, if occurring after December 31, 1957, as the sale of such residence for purposes of section 1034 (relating to sale or exchange of residence). A taxpayer may thus elect to have section 1034 apply, rather than sec-

tion 1033 (relating to involuntary conversions), in determining the amount of gain realized on the disposition of his old residence that will not be recognized and the extent to which the basis of his new residence acquired in lieu thereof shall be reduced. Once made, the election

shall be irrevocable.

(ii) If the taxpayer elects to be governed by the provisions of section 1034. section 1033 will have no application. Thus, a taxpayer who elects under section 1034(i)(2) to treat the seizure, requisition, or condemnation of his principal residence (but not the destruction), or the sale or exchange of such residence under threat or imminence thereof as a sale for the purposes of section 1034, must satisfy the requirements of section 1034 and this section. For example, under section 1034 a taxpayer generally must replace his old residence with a new residence which he uses as his principal residence, within a period beginning one year before the date of disposition of his old residence, and ending one year after such date. However, in the case of a new residence the construction of which was commenced by the taxpayer within such period, the replacement period shall not expire until 18 months after the date of disposition of the old residence.

(iii) Time and manner of making election. The election under section 1034(i) (2) shall be made in a statement attached to the taxpayer's income tax return, when filed, for the taxable year during which the disposition of his old residence occurs. The statement shall indicate that the taxpayer elects under section 1034(i) (2) to treat the disposition of his old residence as a sale for purposes of section 1034, and shall also show—

(a) The basis of the old residence;

(b) The date of its disposition;

(c) The adjusted sales price of the old residence, if known; and

(d) The purchase price, date of purchase, and date of occupancy of the new residence if it has been acquired prior to the time of making the election.

§ 1.1053 [Amendment]

Par. 13. Section 1.1053 is amended:

(A) By striking out the words "under this part" in the first sentence of section 1053 and inserting in lieu thereof the words "under this subtitle".

(B) By adding at the end of section 1053 the following historical note:

[Sec. 1053 as amended by sec. 47, Technical Amendments Act 1958 (72 Stat. 1642)]

§ 1.1071 [Amendment]

Par. 14. Section 1.1071 is amended—
(A) By striking out "necessary or appropriate to effectuate the policies of the Commission" in the first sentence of section 1071(a), and inserting in lieu thereof "necessary or appropriate to effectuate a change in a policy of, or the adoption of a new policy by, the Commission".

(B) By adding at the end of section 1071 the following historical note:

[Sec. 1071 as amended by sec. 48, Technical Amendments Act 1958 (72 Stat. 1642)]

§ 1.1071-1 [Amendment]

PAR. 15. Paragraph (a) of § 1.1071-1 is amended to read as follows:

(a) (1) At the election of the taxpayer, section 1071 postpones the recognition of the gain upon the sale or exchange of property if the Federal Communications Commission grants the taxpayer a certificate with respect to the ownership and control of radio broadcasting stations which is in accordance with subparagraph (2) of this paragraph. Any taxpayer desiring to obtain the benefits of section 1071 shall file such certificate with the Commissioner of Internal Revenue, or the district director for the internal revenue district in which the income tax return of the taxpayer is required to be filed.

(2) (i) In the case of a sale or exchange before January 1, 1958, the certificate from the Federal Communications Commission must clearly identify the property and show that the sale or exchange is necessary or appropriate to effectuate the policies of such Commission with respect to the ownership and control of

radio broadcasting stations.

(ii) In the case of a sale or exchange after December 31, 1957, the certificate from the Federal Communications Commission, must clearly identify the property and show that the sale or exchange is necessary or appropriate to effectuate a change in a policy of, or the adoption of a new policy by, such Commission with respect to the ownership and control of radio broadcasting stations.

(3) The certificate shall be accompanied by a detailed statement showing the kind of property, the date of acquisition, the cost or other basis of the property, the date of sale or exchange, the name and address of the transferee, and the amount of money and the fair market value of the property other than money received upon such sale or exchange.

[F.R. Doc. 59-9665; Filed, Nov. 13, 1959; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 176]

AIRWORTHINESS DIRECTIVES

Piper Aircraft

Pursuant to the authority delegated to me by the Administrator, (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection of fuel valves and controls on certain Piper PA-23 aircraft.

A number of instances of fuel system control cable malfunctioning and fuel valve leakage have been reported. The leakage indicates breakdown of the "O" ring seals at the fuel valve shaft, and if allowed to continue can cause difficult valve operation and eventual malfunction. Control cable bowing and mis-

rigging can cause partial to no operation of the fuel valve, resulting in fuel starvation.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received within 30 days after publication of this notice in the FIDERAL REGISTER will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available for examination by interested persons in the Docket Section when the prescribed time for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507,10(a) by adding the following airworthiness directive:

PIPEE. Applies to PA-23 and PA-23 "160" aircraft, Serial Numbers 23-1 and up. Compliance required as indicated.

As a result of several instances of fuel system cable malfunctioning and fuel valve leakage, the following inspections shall be accomplished:

(a) Ascertain that fuel is contained in all fuel cells. With the master switch on, energize the electric fuel pumps. While the fuel selector and crossfeed valve levers are cycled through their positions several times, observe through appropriate access openings the main valve (P/N 18598), auxiliary valve (P/N 17920) if installed, and the crossfeed valve (P/N 492044) in the cabin control pedestal. If leakage is observed, effect repairs. (Refer also to Piper Service Manual paragraph 9-17, 9-18).

(b) Check rigging and clamping of control cable and rigging of valve control linkage to eliminate bowing and to insure proper valve operation.

Compliance with item (a) above required by January 15, 1960, and every 50 hours of time in service thereafter on aircraft serial numbers 23-1 through 23-1695 until improved valves (P/N 492050 main and crossfeed, and 492051 auxiliary) are installed, the inspection period may be increased to every 100 hours of time in service. Aircraft serial numbers 23-1696 and up incorporated the new valves; therefore, these aircraft having less than 100 hours of time in service on January 15, 1960, may be operated until they have 100 hours, and then shall be inspected every 100 hours thereafter.

Compliance with item (b) above required by January 15, 1960, and every 50 hours of time in service thereafter on aircraft serial Nos. 23–1 through 23–289 until a more rigid control cable (P/N 18815 for main fuel system and P/N 18816 for auxiliary fuel system and idler bell crank P/N 18782) is installed. After the new cable is installed, the inspection period may be increased to every 100 hours of time in service. Aircraft serial Nos. 23–290 and up incorporated the new cables; therefore, these aircraft having less than 100 hours of time in service on January 15, 1960, may be operated until they have 100 hours and then inspected every 100 hours there-after.

'(Piper Service Letters Nos. 322 and 286 cover the same subject.)

Issued in Washington, D.C., on November 9, 1959.

B. PUTNAM, Acting Director, Bureau of Flight Standards.

[F.R. Doc. 59-9649; Filed, Nov. 13, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

EXEMPTION OF ACQUISITIONS OF SHARES OF STOCK AND RESTRICTED STOCK OPTIONS UNDER CERTAIN STOCK BONUS, STOCK OPTION OR SIMILAR PLANS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend Rule 16b-3 (§ 240.16b-3) under the Securities Exchange Act of 1934. Section 16(b) of that Act was enacted for the purpose of preventing the unfair use of information in short-term trading by persons owning beneficially more than 10 percent of any class of equity security which is registered on a national securities exchange, and by directors and officers of the issuer of such security. It provides that profits realized by such persons from the purchase and sale, or the sale and purchase, of any equity security of the company, within a period of less than six months, inure to and are recoverable on behalf of the company. It expressly exempts from its operation the sale of securities acquired in good faith in connection with a debt previously contracted; transactions by such beneficial owner who is not such at the time of purchase and the sale; and "any transaction or transactions which the Commission by rules and regulations may exempt as not comprehended within the purpose of this subsection."

Prior to September 1952, Rule 16b-3 provided an exemption from section 16(b) for shares of stock acquired pursuant to bonus, profit sharing, retirement, thrift or similar plans meeting specified conditions. The rule was broadened in 1952 to cover acquisitions of non-transferable options and stock acquired under such options pursuant to a stock option plan meeting similar conditions. The rule was further amended in 1956 to clarify its provisions.

Provisions of the rule which relate to the acquisition of shares through the exercise of options have been the subject of litigation. In 1957, the Court of Appeals for the Second Circuit considered the 1952 version of the Rule in Greene v. Dietz, 247 F. 2d 689, petition for rehearing denied. In the course of its opinion, a majority of the panel expressed doubt as to the validity of the rule insofar as it related to the acquisition of shares through the exercise of the restricted stock options involved in that case. The decision in that case was based on other

grounds, and decisions of lower federal courts relating to the validity of the rule have looked both ways. Compare Gruber v. Chesapeake & Ohio Ry. Co., 158 F. Supp. 593 (N.D. Ohio, 1957) and Continental Oil Co. v. Perlitz, ___ F. Supp. (S.D. Texas, Aug. 4, 1959) with Perlman v. Timberlake, 172 F. Supp. 246 (S.D.N.Y., 1959).

Following the opinions in Greene v. Dietz, the Commission's staff has studied the questions raised by those opinions and by the decision in Perlman v. Timberlake and has recommended that the Commission, as a matter of policy, limit the scope of Rule 16b-3. The staff recommendations are:

1. We recommend that the Commission amend the rule to delete the exemption afforded for the acquisition of securities upon the exercise of stock options.

2. We recommend that the exemption now provided by Rule 16b-3 be retained, subject to certain modifications, insofar as it relates to the acquisition of "restricted" options pursuant to the restricted option plan, or shares of stock (except stock acquired upon the exercise of an option, warrant or right) pursuant to a bonus, retirement, thrift, sav-

ings, profit sharing plan.

3. We recommend the adoption of modifications to Rule 16b-3 requiring that, if the selection of persons who are to receive stock or restricted stock options or the determination of the amount to be received by any participant is discretionary, the selection and determination must be made by a board of directors or committee, a majority of whom are disinterested. However, where a board of directors is composed entirely or in a large part of officers of the corporation eligible to participate in the plan, the board or committee may act in selecting the persons to participate and the amounts of their participations as long as the participation of the members of the board and the amounts of their participation are determined in accordance with a formula approved by the vote or consent by the holders of a majority of the voting securities of the issuer pursu-ant to a solicitation conducted substantially in accordance with section 14(a) of the Act.

These recommendations were based upon conclusions reached by the staff after considerable discussion and review in which it considered various aspects of the exemptions provided, the views of the exemptions provided, the views of the courts which have expressed opinions as to the validity of the exemptions provided by Rule 16b-3, the possibilities of abuse arising out of the rule and the possible effects which repeal of the rule might have on the interests of listed corporations, their officials and their stockholders. The following is a summary of the staff analysis on the subject:

Section 16(b) was enacted primarily in response to abuses, described in the legislative history, wherein insiders with advance knowledge of facts which would produce a rise in the market value of the stock of their company bought stock at then current prices and sold it when publication of the information had caused the anticipated rise to occur. There were also transactions in which insiders with advance knowledge of facts which would depress the market price sold their stock at then current prices and repurchased when publication had the anticipated effect. On occasion, insiders actually manipulated the market price of their stock. by causing their corporation to follow financial policies calculated to produce sudden changes in market prices, in order to obtain short swing profits. To prevent these prac-. tices in an effective manner, and in view of the difficulty of proving intent on the part of insiders to speculate on inside information, Congress, in section 16(b) adopted a rule of thumb whereby profits from any purchase and sale or any sale and purchase of a class of equity securities within a six months period are recoverable on behalf of the corporation. It thus sought to prevent short swing speculation without also discouraging long term investment with its consequent risks and rewards.

There are, however, several types of transactions in which many of the components of ordinary short swing speculation are absent. In addition, there are transactions in which indicia of long term investment are present. For example, an insider who acquires stock pursuant to the exercise of an option has an interest in the stock prior to its exercise and his profits from a sale within six months after the exercise may not be exclusively of a short swing nature. This is recognized by Rule 16b-6, which limits the profits recoverable by giving consideration to market price levels within six months before and after an option exercise.

In recommending that the option-exercise exemption now provided in Rule 16b-3 be deleted, we have concluded that Rule 16b-6 provides a means for separating profits which may be attributed to long term increments in value arising from the very nature of the restricted stock option device, and which the statute is not designed to discourage, from the profits fairly attributable to the short term aspects of the transaction which the Act intended to denude of profit.

Since the decision in Greene v. Dietz, the staff has received informal recommendations from interested persons on courses of action which it should take with respect to the rule. Many of these have recognized the desirability of amendment of the rule especially as it relates to the exemption for the receipt of stock upon the exercise of options. The decision in the Perlman case has emphasized the practical importance of making some change in the rule. In that case, the District Court for the Southern District of New York declared Rule 16b-3 invalid. Attorneys have informed us that in consequence, although it seems clear the holding in the Perlman case is limited to the exemption for stock acquired upon the exercise of options, they have hesitated to give an unqualified opinion that it is now safe to rely upon the exemption granted by the rule, even in respect of acquisitions under bonus and similar plans. We share the view that the opinion in the Perlman case relates only to option exercises. We believe, however, that deletion of the option stock exemption from the rule would remove any doubt as to the continued availability of the defense under section 23(a) that no "provision of this title imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation of the Commission
* * * " insofar as it may relate to other transactions exempted by the rule.

One of the arguments advanced in favor of an option stock exemption is that application of the rule of thumb restriction in section 16(b) to sales and purchases, as well as to purchases and sales, often presents obstacles to the financing of option exercises. Under section 16(b), the purchase of a security tends to discourage any sale of the security for an entire year—six months before and six months subsequent to the exercise. This sometimes creates practical problems of financing by officials who sell stock in order to obtain sufficient cash to exercise their options. Recently it has been suggested that the Commission grant a narrow exemption for stock issued pursuant to the exercise of a "restricted" stock option, as that term is defined in the Internal Revenue Code, within 10 days following a sale, provided the officer uses the entire net proceeds of the sale.

to purchase option stock. It has been urged that such a proposal would meet the primary objections made by the Second Circuit in Greene v. Dietz with respect to the breadth of the existing rule. Although we believe that there should be an opportunity for public comment upon the proposal for the reasons already cited, we are not prepared at this time to recommend its adoption.

We recommend that the existing exemption for the receipt of stock or options pursuant to a bonus, profit sharing, retirement, stock option, thrift, savings or similar plan be retained subject to certain provisions which are designed to tighten the restrictions now applicable. Under these plans the discretion of insiders is generally restricted both as to the amount and timing of the acquisitions. Moreover, the plans frequently provide that the grants are to be made at regular intervals, often annually. In consequence, it may be impossible to sell stock without having a purchase occur within six months before or after the sale. Accordingly, the exemption is particularly important to the continued usefulness of these methods of providing employee compensation and incentives.

We also recommend that there be reinstated provisions similar to those contained in the rule prior to the 1956 amendment which would require that the awards under exempted plans be made by a disinterested committee or, depending upon the circumstances, by a disinterested board of directors. We believe that such provisions tend to inhibit the chances of insiders making use of inside information in the acquisition of shares.

The Commission believes the proposals of the staff merit careful consideration by all persons concerned. The Commission has therefore determined to solicit the views of interested persons. Authority for the suggested amendment of \$240.16b-3, as set forth below, is based upon the provisions of sections 3(a) (12), 3(b), 16(b) and 23(a) of the Securities Exchange Act of 1934.

§ 240.16b-3 Exemption from section 16(b) of acquisitions of shares of stock and restricted stock options under certain stock bonus, stock option or similar plans.

Any acquistion of shares of stock (other than stock acquired upon the exercise of an option, warrant or right) or of a restricted stock option by a director or officer of the issuer of such stock or option shall be exempt from the operation of section 16(b) of the Act if the stock was acquired pursuant to a stock bonus, profit sharing, retirement, incentive, thrift, or similar plan, or, in the case of a restricted stock option, if the option was acquired pursuant to a stock option plan, meeting all of the following conditions:

(a) The plan has been approved specifically or through the approval of a charter amendment authorizing stock for issuance pursuant to the plan or pursuant to the exercise of restricted stock options issuable pursuant to the plan

(1) By the holders of at least a majority of the securities of the issuer present or represented and entitled to vote at a meeting for which proxies were solicited substantially in accordance with such rules and regulations, if any, as were then in effect under section 14(a) of the Act, whether or not such rules and regulations were applicable to such solicitations, or by written consents of the

holders of at least a majority of the securities of the issuer entitled to vote solicited substantially in accordance with such rules and regulations; or

(2) By the holders of at least a majority of the securities of a predecessor corporation entitled to vote, in the manner provided in subparagraph (1) of this paragraph, if the plan, or obligations to participate thereunder, were assumed by the issuer in connection with the transaction of succession.

(b) If the selection of any of the persons to whom stock may be allocated or to whom restricted stock options may be granted pursuant to the plan, or the determination of the number of shares of stock which may be allocated to any such person or of the number of shares of stock to be covered by restricted stock options which may be so granted to any such person, is discretionary, either (1) such discretion shall be exercised by a committee of three or more persons which, under the terms of the plan, must make such selection or determination or by the board of directors of the issuer, provided that, whether or not required by the plan, a majority of the members of such committee, or a majority of the directors acting in the matter, as the case may be, are not entitled to participate in the plan or in any other similar plan of the issuer or any of its affiliates entitling the participants to receive or acquire stock or restricted stock options of the issuer or any of its affiliates; or (2) if 50 percent or more of the directors of the issuer shall be eligible to participate in any such plan and if such discretion is not exercised by a committee in accordance with subparagraph (1) of this paragraph, then such discretion as to any person who is not a director of the issuer shall be exercised by the board of directors or by a committee of three or more directors, and the participation of directors, including the number of shares which they may receive or acquire or which may be covered by restricted stock options which they may receive, and the times at which or the periods within which they may receive or acquire such shares or restricted stock options, shall be as specified in, or shall be in accordance with a formula (based upon earnings of the issuer, dividends paid, compensation received by participants, option prices, market values of shares, outstanding shares or percentages thereof outstanding from time to time, or similar factors which will result in a determinable limitation) specified in, the plan as approved by the security holders of the issuer as set forth in paragraph (a) of this section or as approved by, or in accordance with such a formula approved by, the security holders of the issuer, subsequent to the approval of the plan, in the same manner as contemplated by paragraph (a) of this section.

(c) The plan effectively limits (subject to any provisions for adjustment of the plan or of stock allocable or options outstanding thereunder to prevent dilution or enlargement of rights) the aggregate number of shares of stock or dollar value thereof which may be allocated or the aggregate number of shares of stock or dollar value thereof which

may be covered by restricted stock options granted pursuant to the plan, by limiting the maximum number of shares or dollar value therefor which may be allocated or the maximum number of shares or dollar value thereof which may be covered by options to be granted, as the case may be, either to each participant or to all participants in the plan. Such limitations may be established on an annual basis, or for the duration of the plan, whether or not the plan has a fixed termination date, and may be determined either by fixed numbers of shares or by formulas based upon earnings of the issuer, dividends paid, compensation received by participants,

option prices, market values of shares, outstanding shares or percentages thereof outstanding from time to time, or similar factors which will result in a determinable limitation.

(d) Unless the context otherwise requires, all terms used in this section shall have the same meanings as in the Act or elsewhere in the general rules and regulations thereunder. In addition, the following definitions apply:

(1) The term "plan" includes all plans, whether or not set forth in any formal document;

(2) The term "restricted stock option" means a restricted stock option as defined in section 421 of the Internal Rev-

enue Code of 1954, as amended, and the regulations or rulings of the Internal Revenue Service thereunder.

All interested persons are invited to submit their views and comments in writing to the Securities and Exchange Commission, Washington 25, D.C., on or before December 15, 1959, on the proposal to amend Rule 16b-3 as reproduced above.

By the Commission.

[SEAL] NELLYE A. THORSEN, Assistant Secretary.

NOVEMBER 5, 1959.

[F.R. Doc. 59-9654; Filed, Nov. 13, 1959; 8:45 a.m.1

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary **ARKANSAS**

Designation of Area for Production **Emergency Loans**

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in Conway County, Arkansas, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

day of November 1959.

TRUE D. MORSE, Acting Secretary.

[F.E. Doc. 59-9658; Filed, Nov. 13, 1959; 8:46 a.m.]

NORTH DAKOTA

Designation of Area for Production **Emergency Loans**

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of North Dakota a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NORTH DAKOTA

Divide County. Williams County.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 9th day of November 1959.

> TRUE D. MORSE. Acting Secretary.

[F.R. Doc. 59-9659; Filed, Nov. 13, 1959; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts **Divisions**

· [Admin. Order 524]

APPOINTMENT OF AUTHORIZED REP-RESENTATIVES TO GRANT OR DENY CERTAIN SPECIAL CER-**TIFICATES**

Pursuant to authority under the Fair Done at Washington, D.C., this 9th Labor Standards Act of 1938 (52 Stat. ay of November 1959.

1060, as amended; 29 U.S.C. 201 et seq.), Reorganization Plan No. 6 of 1950 (64 Stat. 1263; 3 CFR 1950 Supp., p. 165), General Order No. 45-A of the Secretary of Labor (15 F.R. 3290), the Walsh-Healey Public Contracts Act (49 Stat. 2036, as amended; 41 U.S.C. 35 et seq.), and the minimum wage determinations and regulations of the Secretary of Labor thereunder (41 CFR Parts 201 and 202). I hereby:

A. Designate and appoint as my authorized representatives the following persons who are employees in the Wage and Hour and Public Contracts Divisions except as otherwise stated, with full power and authority to grant or deny applications for special certificates authorizing employment of student learners, apprentices, handicapped persons, and handicapped clients in sheltered workshops, as provided in 29 CFR Parts 520, 521, 524, and 525 and as provided in 41 CFR Parts 201 and 202 and to take such other action as may be necessary or appropriate therewith: (1) The Regional Directors and Deputy Regional Directors within their respective regions, (2) the Field Office Supervisor, Honolulu, Hawaii, within the Hawaiian Islands. Guam, Wake, and American Samoa. (3) the Territorial Director and the Deputy Territorial Director for Puerto Rico and the Virgin Islands within Puerto Rico and the Virgin Islands, and (4) the Commissioner, North Carolina Department of Labor, within the State of North Carolina:

B. Designate and appoint as my authorized representatives the following persons who are employees in the Wage and Hour and Public Contracts Divisions. with full power and authority to grant or deny applications for special certificates authorizing the employment of learners and student workers at subminimum wage rates as provided in 29 CFR Parts 522 and 527 and pursuant to 41 CFR Part 202 and to take such other action as may be necessary or appropriate in connection therewith: (1) The Director of the Division of Wage Determinations, (2) the Chief of the Branch of Special Minimum Wages, and (3) the Assistant Chief of the Branch of Special Minimum Wages.

C. Designate and appoint as my authorized representative the following persons who are employees in the Wage and Hour and Public Contracts Divisions, with full power and authority to grant or deny applications for special certificates authorizing the employment of learners at subminimum wage rates as provided in 29 CFR Part 522 and to take such other action as may be necessary or appropriate in connection therewith: The Territorial Director and Deputy Territorial Director for Puerto Rico and the Virgin Islands within Puerto Rico and the Virgin Islands.

D. Revoke and withdraw Administrative Orders Nos. 485 (23 F.R. 200) and 507 (23 F.R. 2720).

All other authority to grant or deny applications for, or to sign or issue certificates issued pursuant to section 14 of the Fair Labor Standards Act of 1938 is hereby revoked and withdrawn.

29 CFR Part 528 which authorizes certain officers to effect premature termination of certificates issued under 29 CFR Parts 520, 521, 522, 523, 524, and 527 is unaffected by this administrative order.

day of November 1959.

CLARENCE T. LUNDQUIST, Administrator.

[F.R. Doc. 59-9673; Filed, Nov. 13, 1959; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10968]

POLYNESIAN AIRLINES LTD. Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on November 18, 1959, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., November 10, 1959.

[SEAL]

Francis W. Brown, Chief Examiner.

[F.R. Doc. 59-9669; Filed, Nov. 13, 1959; 8:48 a.m.]

[Docket No. 10873]

BRITISH OVERSEAS AIRWAYS CORP. Notice of Hearing

In the matter of the application of British Overseas Airways Corporation under section 402 of the Federal Aviation Act of 1958 for a foreign air carrier permit which would permit it to operate between the terminal point London, England, via a Polar Route, and the terminal point, Los Angeles, California.

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on November 20, 1959, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Curtis C. Henderson.

Dated at Washington, D.C., November 9, 1959.

[SEAT.]

Francis W. Brown, Chief Examiner.

[F.R. Doc. 59-9668; Filed, Nov. 13, 1959; 8:48 a.m.]

FARM CREDIT ADMINISTRATION

INVITATION TO BID ON SURETY BOND

Notice is hereby given to all companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds, that the Farm Credit Administration will accept sealed bids beginning November 17, 1959, on a position schedule bond covering approximately 65 of its officers and employees. Copies of the invitation to bid, service requirements, the bond, and the schedule of positions to be bonded may be obtained by phoning or writing to Joseph Kudlack, Room 0456, South Building, USDA, Washington 25, D.C., Phone

Signed at Washington, D.C., this 9th DU 8-4219. Bids are to be opened at 2 p.m., e.s.t., on December 11, 1959.

> GLENN E. HEITZ, Acting Governor.

[F.R. Doc. 59-9662; Filed, Nov. 13, 1959; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12787 etc.; FCC 59M-1488]

WALTER L. FOLLMER ET 'AL.

Order Continuing Hearing

In re applications of Walter L. Follmer, Hamilton, Ohio, Docket No. 12787, File No. BP-11323; Interstate Broadcasting Company, Inc. (WQXR), New York, New York, Docket No. 12790; File No. BP-11707; Booth Broadcasting Company (WTOD), Toledo, Ohio, Docket No. 12793, File No. BP-12035; for construction permits.

The Hearing Examiner having under consideration an informal request for continuance of the date to commence

It appearing that a prehearing conference was held on November 6, 1959, at which time counsel for Interstate Broadcasting Company, Inc., requested a continuance of the dates for exchange of engineering exhibits and commencement of the hearing, the latter having previously been scheduled for January 5, 1960; and

It further appearing that there was general agreement among the parties for a new set of dates, all of which are shown

on the record:

It is ordered, This 6th day of November 1959, that the date for commencement of hearing is continued from January 5 to February 9, 1960.

Released: November 9, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-9670; Filed, Nov. 13, 1959; 8:48 a.m.j

[Docket No. 12782; FCC 59-1136]

STUDY OF RADIO AND TELEVISION **NETWORK BROADCASTING**

Supplemental Order for Investigatory Proceeding

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 9th day of November 1959;

Whereas, on February 26, 1959, after a substantial preliminary inquiry, the Commission by its Order (FCC 59-166) and Public Notice (FCC 59-168) directed that inquiry be made pursuant to section 403 of the Communications Act of 1934. as amended, to determine, among other things, the policies and practices pursued by the network licensees and others in connection with the production, selection, licensing and supervision of programs for television exhibition and the effect of such policies and practices on the public interest, and that a public investigatory proceeding be instituted for that purpose; and

Whereas, pursuant to said order, such inquiry is continuing and public hearings have been and will be held with regard to certain phases of the network television program selection process; and

Whereas, in the course of such inquiry and from other sources, information has been reported to the Commission which tends to show that certain practices have been carried on by broadcast licensees and employees of such broadcast licensees and other persons in connection with the selection, supervision and broadcast to the public of programs and other material, which practices appear to be contrary to the public interest; and

Whereas, under the Communications Act and the policies promulgated by the Commission thereunder, the selection, supervision and broadcast to the public of programs and other material including advertising is the primary responsibility of the licensed broadcaster subject to the duty of such broadcaster so to exercise that responsibility as to serve the public interest in terms of the needs and interests of the community which such broadcaster is licensed to serve; and

Whereas, under the provisions of the Communications Act of 1934, the Commission is empowered and directed to grant applications for construction permits, station licenses and modifications or renewals thereof for radio and television broadcast stations only after the Commission has made a determination that the public interest, convenience or necessity will be served thereby and, in making such determination one of the relevant factors considered by the Commission includes the policies and practices pursued and carried on by the applicant in the exercise of his responsibility to select, supervise and broadcast programs and other material including advertising which meet the public interest and the needs and interests of the community served by such broadcaster; and

Whereas, this Commission has from time to time in its decisions and otherwise laid down certain general standards for the guidance of licensed broadcasters in the exercise of such responsibility, nevertheless, in view of recent information concerning certain program practices, it is desirable to review the extent of the Commission's authority in connection with programming, in the light of the censorship prohibitions of Section 326 and certain court decisions, to determine whether or not legislation should be recommended to the Congress; and

Whereas, such general standards have been recognized and accepted by networks, licensees and other components of the industry and have in their essentials been adopted and set forth in codes and rules of conduct issued by various groups within the industry; and

Whereas, such general standards include such concepts as decency, propriety, fairness and balance in connection with the presentation of broadcast material to the public; and

Whereas, many or most of such standards were laid down by the Commission prior to the advent and development of television broadcasting; and

Whereas, the rapid development and expansion of television network broadcasting has had a direct and important impact on radio broadcasting and has, in large measure, altered and changed the nature and character of the policies and practices pursued by many radio broadcasters affecting the type and content of programs and other material broadcast to the public and has also affected the use of radio as an advertising medium; and

Whereas, coincident with the expansion and development of television there has been a large increase in the number of licensed radio and television broadcasters which has greatly increased and complicated the problem of proper and adequate review by the Commission of the policies and practices pursued by its broadcast licensees; and

Whereas, in view of the foregoing, and in order to enable it properly to exercise its duties and responsibilities in connection with the program and advertising material broadcast to the public through the facilities of licensed broadcasters, the Commission has determined that inquiry should be made and that information and data should be obtained regarding the policies and practices pursued by radio and television licensees and others affecting the program and other material broadcast to the public:

Now therefore, it is ordered, That the inquiry and investigatory proceeding instituted pursuant to the Commission's Order of February 26, 1959 (FCC 59-166). be and is hereby amended and enlarged to determine the policies, practices, mechanics and surveillance pursued and carried out by networks, station licensees and others in connection with the acquisition, ownership, production, distribution, selection, sale and licensing of programs for radio and television exhibition and the policies and practices pursued by networks, station licensees and others in connection with the selection presentation and supervision of advertising material for broadcast to the public and the reasons and necessity in the public interest for said policies and practices, and that in such inquiry information and data be obtained relevant to the following questions:

1. Whether and the extent to which policies and practices being pursued by some broadcast licensees in the field of programming and advertising are inimical to the public interest;

2. Whether and the extent to which the general standards heretofore laid down by the Commission for the guidance of broadcast licensees in the selection and broadcast of programs and other material to the public are adequate in view of the changed and changing conditions in the broadcast industry;

3. Whether and the extent to which the Commission should, by the exercise of its rule-making power, set out more detailed and precise standards for the guidance of broadcasters in the exercise of their responsibility; 4. Whether and the extent to which the Commission's present policies and procedures in the review and consideration of the performance of its broadcast licensees in the field of programming and advertising is adequate, in view of the greatly increased number of such licensees; and

5. Whether the Commission's authority under the Communications Act of 1934, as amended, is adequate for these purposes or whether legislation should be recommended to the Congress.

Released: November 10, 1959.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-9671; Filed, Nov. 13, 1959; 8:48 a.m.]

[Docket No. 13221; FCC 59M-1491]

WEST COAST TELEPHONE CO.

Order Continuing Hearing

In the Matter of West Coast Telephone Company, Docket No. 13221; regulations and charges relating to channels for data transmission.

Upon the Hearing Examiner's own motion: It is ordered, This 9th day of November 1959, that hearing herein, which is presently scheduled to commence on December 30, 1959, be, and the same is hereby, continued without date.

Released: November 9, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] I

MARY JANE MORRIS, Secretary.

[F.R. Doc. 59-9672; Filed, Nov. 13, 1959; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-20072]

EAST TENNESSEE NATURAL GAS CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Allowing Certain Other Revised Tariff Sheets To Become Effective

NOVEMBER 6, 1959.

East Tennessee Natural Gas Company (East Tennessee) on October 8, 1959, tendered for filing First Revised Sheets Nos. 1 and 18; Fourth Revised Sheets Nos. 5, 11, 16 and 17; and Fifth Revised Sheets Nos. 8 and 14 to its FPC Gas Tariff, Third Revised Volume No. 1, proposing an annual increase in its rates and charges amounting to \$895,000 or 9.6 percent based on sales during the year ended August 31, 1959, as adjusted. The company also proposes therein to substitute a system-wide rate for sale of interruptible gas in lieu of the present

zone rates for such service, and further, proposes a change in the form of such rate.

On the same day, October 8, 1959, East Tennessee tendered for filing Fourth Revised Sheet No. 3 (System Map); Second Revised Sheet No. 23 and First Revised Sheet No. 24 (Definitions of Terms in its General Terms and Conditions); First Revised Sheets Nos. 36, 37, 38, 39, 40, 41 and 42 (Form of Service Agreement); and Fourth Revised Sheets Nos. 43 and 44 (Index of Purchases), to its FPC Gas Tariff, Third Revised Volume No. 1, and requested that, since no change in rate or charge is reflected therein, these be accepted for filing, to be effective as of November 9, 1959, without suspension.

In support of its proposed increased rate, East Tennessee submits cost data for the twelve-month period ended August 31, 1959, with adjustments. Included in the adjustments are increases in purchase gas costs to reflect the proposed increase in rates filed on October 5, 1959 by Tennessee Gas Transmission Company (TGT). East Tennessee also claims a 634 percent rate of return on jurisdictional business, stating that such a return is a minimum necessary to meet current operating expenses, service debt capital while maintaining financial integrity, and to attract new capital.

Since East Tennessee's proposed increase is based, in part, on the increased rates and charges filed on October 5, 1959 by its sole supplier, TGT, which rates and charges were not shown to be justified, and were suspended by Commission order issued November 4, 1959, in Docket No. 19983, East Tennessee's filing is subject to the same suspension infirmity. The company requests an effective date of November 9, 1959 for its proposed increased rate, and further, that in the event of suspension, the suspension period be conterminous with that of Tennessee Gas.

The increased rates and charges, and other rate changes, the changes in the General Terms and Conditions and the Form of Service Agreement provided for in the revised tariff sheets tendered by East Tennessee on October 8, 1959, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications and services contained in East Tennessee's FPC Gas Tariff, Third Revised Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 1, 18, 24, 36, 37, 38, 39, 40, 41, and 42; Second Revised Sheet No. 23; Fourth Revised Sheets Nos. 5, 11, 16, and 17; and Fifth Revised Sheets Nos. 8 and 14, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

(2) Good cause has been shown that Fourth Revised Sheets Nos. 3, 43, and 44 be accepted for filing and that they be

¹The proposed increase is in addition to increased rates now in effect, subject to refund in Docket Nos. G-5470, G-12264 and G-17730.

permitted to become effective on November 9, 1959.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in East Tennessee's FPC Gas Tariff, Third Revised Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 1, 18, 24, 36, 37, 38, 39, 40, 41, and 42; Second Revised Sheets Nos. 5, 11, 16, and 17; and Fifth Revised Sheets Nos. 8 and 14.

(B) Pending such hearing and decision thereon, East Tennessee's proposed First Revised Sheets Nos. 1, 18, 24, 36, 37, 38, 39, 40, 41, and 42; Second Revised Sheet No. 23; Fourth Revised Sheets Nos. 5, 11, 16, and 17; and Fifth Revised Sheets Nos. 8 and 14, to its FPC Gas Tariff, Third Revised Volume No. 1, be and they are each hereby suspended and the use thereof deferred until April 5, 1960, and until such further time as each is made effective in the manner prescribed by the Natural Gas Act.

(C) Fourth Revised Sheets Nos. 3, 43, and 44 to East Tennessee's FPC Gas Tariff, Third Revised Volume No. 1, are hereby accepted and permitted to become effective as of November 9, 1959.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR, 1.8 and 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 59-9651; Filed, Nov. 13, 1959; 8:45 a.m.]

[Docket No. 12197 etc.]

MANUFACTURERS LIGHT AND HEAT

Notice of Consolidation of Proceedings

NOVEMBER 6, 1959.

In the matters of the Manufacturers Light and Heat Company, Docket Nos. G-12197, G-16820, G-18425 and G-19250. Take notice that the proceeding in

Take notice that the proceeding in Docket No. G-19250 is hereby consolidated for hearing with the previously consolidated proceedings in Docket Nos. G-12197, G-16820, and G-18425.

Take further notice that pursuant to order of the presiding examiner, the public hearing, concerning the matters and issues involved in these proceedings, will reconvene on November 12, 1959, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 59-9652; Filed, Nov. 13, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3830]

CENTRAL AND SOUTH WEST CORP. Notice of Proposed Stock Split and

- Solicitation of Proxies
November 6, 1959.

Central and South West Corporation ("Central"), a registered holding company, has filed a declaration with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and rule 62 promulgated thereunder as applicable to the following proposed transactions:

Central proposes to amend its Certificate of Incorporation so as to cause a split of its authorized common stock on a two-for-one basis without changing the aggregate par value thereof. Each of the 12,000,000 presently authorized shares of its common stock, par value \$5 per share, both issued and unissued. is to be changed into two shares of common stock of the par value of \$2.50 each, and the total number of authorized shares of common stock is to be changed from 12,000,000 shares of the par value of \$5 each to 24,000,000 shares of the par value of \$2.50 each. Such changes are to become effective at 5:00 o'clock p.m., e.s.t., on the day that said amendment becomes effective under Delaware law. Central believes that the proposed change in the par value of said shares should result in wider ownership and should make them more attractive to a larger segment of investors.

By the terms of the amendment, each outstanding certificate will continue to evidence, after the effective date of the amendment, the same number of shares which it represented immediately prior to the amendment. The holders of record on the effective date of the amendment will receive certificates evidencing the additional shares resulting from the split. Thus, after the filing of the amendment, each stock certificate, whether old or new, will represent shares of \$2.50 par value.

Central has called a special meeting of its stockholders to be held on December 22, 1959, to consider and vote upon the adoption of said amendment and also the adoption of a proposed Employees' Thrift Plan ("Plan") for employees of Central and its subsidiaries. The solicitation material and the form of proxy in connection therewith has been submitted for Commission approval.

The Plan is intended to encourage a program of savings for employees and to supplement the existing employee pension plans of the system companies. It is available, on a voluntary basis, to all regular full-time empoyees who have participated in the retirement annuity or pension plan for at least 24 months. Each such employee may elect to deposit under the Plan, through monthly payroll deductions, an amount equal to 2 percent, 4 percent, or 6 percent of his annual compensation, and the system companies will contribute monthly, out of net income, an amount equal to 50 per-

cent or 75 percent of the deposit, depending on length of service. The employee shall direct that the aggregate of his deposits and the related contributions by the companies be invested, by purchases in the open market, in either shares of common stock of Central or U.S. Government Bonds, or one-half in each. All deposits and contributions will be paid over monthly to a Trustee for investment as directed by such employees: provided that not more than 1 percent of the outstanding shares of common stock of Central may be held at any time by the Trustee under the Plan. No part of the deposits or contributions may be recovered by the companies. Shares of common stock of Central held by the Trustee under the Plan will be voted by it in accordance with written instructions from participants, except that the Trustee may, in its discretion, vote such shares if it has not received such instructions.

The fees and expenses to be incurred by Central in connection with the proposed change in par value of its common stock are estimated at \$118,000, including fees and expenses of Illinois Stock Transfer Company, Chicago Transfer Agent, and The First National Bank of Chicago, Registrar, \$65,000; and fees of Stevenson, Dendtler, Bailey & McCabe, company counsel, \$3,000.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 20, 1959, at 5:30 p.m., request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

NELLYE A. THORSEN, Assistant Secretary.

[F.R. Doc. 59-9653; Filed, Nov. 13, 1959; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 10, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within

15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35814: Rice and rice products between points in WTL territory. Filed by Western Trunk Line Committee, Agent (No. A-2092), for interested rail carriers. Rates on clean and rough rice, rice meal, rice meal feed, rice flour, rice bran, rice polish, rice hulls, and rice mill screenings, in carloads between points in western trunk line territory.

Grounds for relief: Short-line distance formulas, and market competition with

southwestern producers.

Tariff: Supplement 48 to Western Trunk Line Committee tariff I.C.C. A-4240.

FSA No. 35815: Molasses—North Atlantic ports to Cincinnati, Ohio and Covington, Ky. Filed by O. E. Schultz, Agent (ER No. 2518), for interested rail carriers. Rates on molasses, blackstrap, invert and residuum, in carloads from Norfolk, Va., Baltimore, Md., Philadelphia, Pa., Albany and New York, N.Y., and Boston, Mass., and points grouped therewith to Cincinnati, Ohio and Covington, Ky.

Grounds for relief: Market competition with southern ports and port rela-

tionships.

Tariffs: Supplement 114 to Traffic Executive Association-Eastern Railroads tariff I.C.C. A-1116 (Boin series). Supplement 8 to Agent R. B. LeGrande's tariff I.C.C. 260. Supplement 287 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 591 (Swenson series).

FSA No. 35816: Soda ash to Henderson, N.C. Filed by O. E. Schultz, Agent (ER No. 2519), for interested rail carriers. Rates on soda ash, in bulk, in carloads from specified points in Delaware, Michigan, New York, Ohio, and Pennsylvania to Henderson, N.C.

Grounds for relief: Market competi-

tion with Saltville, Va.

Tarifis: Supplement 140 to Traffic Executive Association-Eastern Railroads tariff I.C.C. A-1079 (Boin series). Supplement 133 to Traffic Executive Association-Eastern Railroads tariff I.C.C. 4664 (Hinsch series).

FSA No. 35817: Iron or steel pipe from Bond and Lone Star, Tex. Filed by Southwestern Freight Bureau, Agent (No. B-7677), for interested rail carriers. Rates on wrought iron or steel pipe, and related articles, from Bond and Lone Star, Texas, to points in Kansas, Nebraska, and South Dakota.

Grounds for relief: Market competi-

Tariff: Supplement 16 to Southwestern Freight Bureau tariff I.C.C. 4330.

FSA No. 35818: Export and import rates—Louisiana ports. Filed by Texas-Louisiana Freight Bureau, Agent for interested rail carriers. Rates on various commodities, in carloads between Baton Rouge and Port Allen, La., on the one hand, and points in Texas, on the other.

Grounds for relief: Port equalization. FSA No. 35819: Synthetic waste materials between points in the south. Filed by O. W. South, Jr., Agent (SFA No. A3863), for interested rail carriers. Rates on synthetic waste materials, in

carloads, as more fully described in the application between points in southern territory, Ohio and Mississippi River crossings, points in Virginia and West Virginia, and Washington, D.C., also between southern points, on the one hand, and St. Louis, Mo., East St. Louis, Ill., and intermediate points in Illinois and Indiana on southern lines, on the other.

Grounds for relief: Short-line distance formula, grouping, operation through higher-rated territories, and special rate treatment for relief lines.

Tariffs: Supplement 12 to Southern Freight Association tariff I.C.C. S-72. Supplement 33 to Illinois Freight Association tariff I.C.C. 919. Supplement 55 to Traffic Executive Association-Eastern

Railroads tariff I.C.C. C-31.

FSA No. 35820: Substituted service— Erie and NYNH&H for Cooper-Jarrett, Inc. Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 125), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., and Hammond, Ind., on the one hand, and Hartford and New Haven, Conn., on the other, on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor truck com-

petition.

Tariff: Supplement 7 to The Eastern Central Motor Carriers Association, Inc.,

tariff MF-I.C.C. A-158.

FSA No. 35821: Substituted service—NYNH&H and PRR for Cooper-Jarrett, Inc. Filed by The Eastern Central Motor Carriers Association, Inc., Agent (No. 126), for interested carriers. Rates on property loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., and Cleveland, Ohio, on the one hand, and Hartford and New Haven, Conn., on the other, on traffic originating at or destined to points in territories described in the application.

Grounds for relief: Motor-truck com-

petition.

Tariff: Supplement 7 to The Eastern Central Motor Carriers Association, Inc., tariff MF-I.C.C. A-158.

By the Commision.

[SEAL]

HAROLD D. MCCOY, Secretary.

[F.R. Doc. 59-9660; Filed, Nov. 13, 1959; 8:46 a.m.]

[Notice 222]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 10, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition

will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62437. By order of November 5, 1959, the Transfer Board approved the transfer to Super Sonic Service, Inc., 9 Columbia Avenue, Greenville, Pa., of Certificate No. MC 43240, issued June 17, 1941, to Maitland Brown, Williamson Road, Greenville, Pa., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Greenville, Pa., on the one hand, and, on the other, points and places in Ohio and Pennsylvania within 80 miles of Greenville; and cream from points in Mercer and Crawford Counties, Pa., to Conneaut, Ohio.

Counties, Pa., to Conneaut, Ohio.

No. MC-FC 62564. By order of November 3, 1959, the Transfer Board approved the transfer to Frank Henry, Chrisman, Ill., of a portion of Certificate No. MC 81145, issued April 4, 1942, to Ralph Wright, Paris, Ill., authorizing the transportation of: Gravel, sand, and cinders, from Montezuma, Clinton, and Terre Haute, Ind., to points in Edgar County, Ill. Grover Hoff, 233 West Monroe Street, Springfield, Ill., for

applicants.

No. MC-FC 62583. By order of November 5, 1959, the Transfer Board approved the transfer to Fred Thomas. Sr., Milena Thomas, Fred Thomas, Jr., and Arthur R. Thomas, a partnership, doing business as Fred Thomas Trucking, Martinsville, N.J., of Permit No. MC 29552 Sub 3, issued April 23, 1946, in the name of Fred Thomas, Somerville, N.J., authorizing the transportation over irregular routes, of protective coatings, textile coatings, textile coloring, printing ink, printing ink bases, lacquer base, rubber compounds and rubber coatings, and supplies used in the manufacture of the foregoing commodities, from Bound Brook, N.J., to New York, N.Y., points on Long Island, N.Y., Newark, N.J., and points in Hudson County, N.J.; office equipment and supplies and machinery and supplies used in the manufacture of the commodities described above, from New York, N.Y., points on Long Island, N.Y., Newark, N.J., and points in Hudson County, N.J., to Bound Brook, N.J. Edward A. O'Donnell, 217 Smith Street,

Perth Amboy, N.J.
No. MC-FC 62682. By order of November 5, 1959, the Transfer Board approved the transfer to Pitkin Moving and Storage Inc., Brooklyn, N.Y., of the operating rights in Certificate No. MC 94653, issued by the Commission March 25, 1941, to Hyman Kasinitz, doing business as Pitkin Moving and Storage Co., Brooklyn, N.Y., authorizing the transportation, over irregular routes, of household goods, between New York, N.Y., on the one hand, and, on the other, points in New. York over interstate routes, and those in Connecticut, New Jersey, and Pennsylvania. Edward M. Alfano, 2 West 45th Street, New York 36, N.Y.

[SEAL]

HAROLD D. McCoy, Secretary.

[F.R. Doc. 59-9661; Filed, Nov. 13, 1959; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 873]

PASSENGER STEAMSHIP CONFER-ENCES REGARDING TRAVEL AGENTS

Notice of Investigation and of Hearing

On November 2, 1959, the Federal Maritime Board entered the following order:

Whereas the American Society of Travel Agents has petitioned the Board to institute a proceeding to investigate the relations between travel agents and the Trans-Atlantic Passenger Steamship Conference (Agreement No. 120) and the Atlantic Passenger Steamship Conference (Agreement No. 7840); and

Whereas questions have been raised regarding the propriety of the activities of said Conferences insofar as they relate to travel agents; and

Whereas it appears to be in the public interest to afford to all interested persons an opportunity to be heard in this regard;

Now therefore, it is ordered, That an investigation is hereby instituted to determine whether aforementioned Agreements 120 and 7840 should be disapproved, cancelled, or modified, insofar as they relate to travel agents, in accordance with section 15 of the Shipping Act, 1916 (46 U.S.C. 814); and

It is further ordered, That all parties to Agreements 120 and 7840 are hereby made respondents herein; and

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER with invitation to all interested persons to intervene and participate herein, and a copy served on each of the respondents herein; and

It is further ordered, That this proceeding be set for hearing before an Examiner from the Hearing Examiners' Office at a time and place to be announced.

Pursuant to the above order, notice is hereby given that the hearing herein ordered will be held before an examiner of the Board's Hearing Examiners' Office at a date and place to be determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR § 201.74) of said rules.

Dated: November 10, 1959.

By order of the Federal Maritime Board.

James L. Pimper, Secretary.

[F.R. Doc. 59-9666; Filed, Nov. 13, 1959; 8:47 a.m.]

Office of the Secretary CHARLES F. McCAHILL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken

place in my financial interests as reported in the Federal Register of the last six months:

A. Deletions: None.

B. Additions: Pittsburgh Metallurgical Co., Trane Co.

This statement is made as of October 26, 1959.

CHARLES F. McCAHILL.

NOVEMBER 2, 1959.

[F.R. Doc. 59-9656; Filed, Nov. 13, 1959; 8:46 a.m.]

GEORGE L. WILSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the Federal Register of the last six months:

A. Deletions:
ACF Industries.
Briggs & Stratton.
Dictaphone.
Eastern Stainless Steel.
Foote Mineral.
General Motors.
W. R. Grace Co.
Charles Pfizer.
Phillips Petroleum.
Radio Corp. of America.
Royal Dutch Petroleum.
B. Addition: Lily-Tulip Cup Corporation.

This statement is made as of October 20, 1959.

GEORGE L. WILSON.

OCTOBER 29, 1959.

[F.R. Doc. 59-9657; Filed, Nov. 13, 1959; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during November. Proposed rules, as opposed to final actions, are identified as such.

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